



GUACANAGARI PONTIAC BLACK HAWK
 MONTEZUMA CAPTAIN FIRE KIORUK
 QUATHMOTEM LOGAN SAGAGAWEA
 POWHATAN CORPPLANTER BENITO JUAREZ
 POCAHONTAS JOSEPH BRANT MARQUIS
 SAMOSETT RED JACKET COLORADOS
 WAGASOIT LITTLE TURTLE LITTLE CROW
 KING PHILIP TECUMSEH SITTING BULL
 UNCAS OSCOLOA CHIEF JOSEPH
 TEEPUSSKING SAGUOYA CERONIMO
 SHANDONLEE

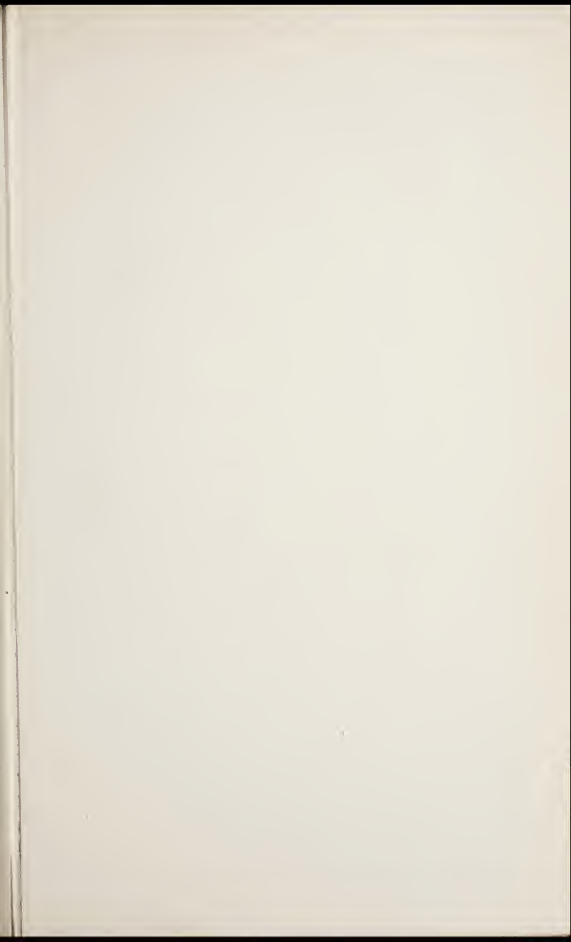


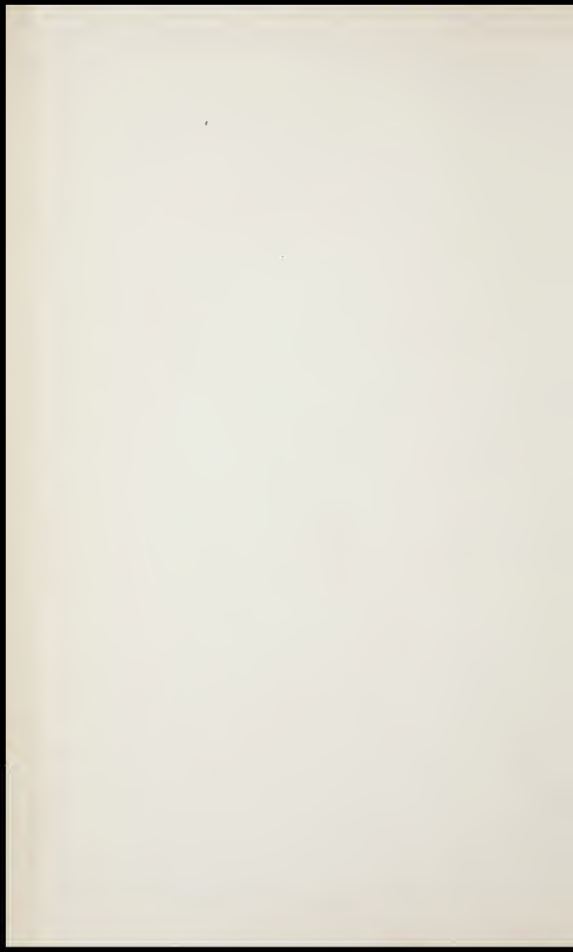
TO PERPETUATE THE HISTORY
 AND DEVELOPMENT OF THE
 PEOPLE REPRESENTED BY THE
 ABOVE CHIEFS AND WISE MEN
 THIS COLLECTION HAS BEEN
 GATHERED BY THEIR FRIEND
 EDWARD EVERETT AYER

AND PRESENTED BY HIM
 TO
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 1911









TREATY

BETWEEN

THE UNITED STATES

AND THE

DELAWARE TRIBE OF INDIANS.

CONCLUDED MAY 30, 1860.

RATIFIED AUGUST 22, 1860.



Buts 3746



A PROCLAMATION

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA:

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Sarcocieville, on the Delaware reservation, on the thirtieth day of May, eighteen hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the chiefs and headmen of the Delaware tribe of Indians hereinafter mentioned, which treaty is in the following words, to wit :

Articles of agreement and convention made and concluded at Sarcocieville, on the Delaware reservation, this thirtieth day of May, one thousand eight hundred and sixty, by Thomas B. Sykes, as commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-ie, chief of the Turtle band; Ne-con-he-con, chief of the Wolf band; Rock-a-to-wha, chief of the Turkey band, and assistants to the said head chief, chosen and appointed by the people, and James Connor, chosen by the said chiefs as delegate.

ARTICLE 1. By the first article of the treaty made and concluded at the city of Washington, on the sixth day of May, one thousand eight hundred and fifty-four, between George W. Many-penny, commissioner on the part of the United States, and certain delegates of the Delaware tribe of Indians, which treaty was ratified by the Senate of the United States on the eleventh day of July, one thousand eight hundred and fifty-four, there was reserved, as a permanent home for the said tribe, that part of their country lying east and south of a line beginning at a point on the line between the Delawares and Half-breed Kansas, forty miles in a direct line west of the boundary between the Delawares and Wyandottes; thence north ten miles; thence in an easterly course to a point on the south bank of Big Island creek, which shall also be on the bank of the Missouri river, where the usual high-water line of said creek intersects the high-water line of said river. And by the eleventh article of said treaty it was stipulated that "at any time hereafter when the Delawares desire it, and at their request and expense, the President may cause the country reserved for their permanent home, to be surveyed in the same manner as the ceded country is surveyed, and may assign such portion to each person or family as shall be designated by the principal men of the tribe: *Provided*, such assignments shall be uniform."

The Delawares having represented to the government that it is their wish that a portion of the lands reserved for their home may be divided among them

in the manner contemplated by the eleventh article of the treaty aforesaid, it is hereby agreed by the parties hereto, that the said reservation shall be surveyed as early as practicable after the ratification of these articles of agreement and convention, in the same manner that the public lands are surveyed; and to each member of the Delaware tribe there shall be assigned a tract of land containing eighty acres, to include in every case, as far as practicable, a reasonable portion of timber, to be selected according to the legal subdivisions of survey.

ARTICLE 2. The division and assignment in severalty among the Delawares of the land shall be made in a compact body, under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive.

Certificates shall be issued by the Commissioner of Indian Affairs, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tracts shall not be alienable in fee, lease, or otherwise disposed of, except to the United States or to members of the Delaware tribe, and under such rules and regulations as may be prescribed by the Secretary of the Interior; and said tracts shall be exempt from levy, taxation, sale, or forfeiture, until otherwise provided by Congress.

Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient, respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons. And should any of the Indians to whom tracts shall be assigned, abandon them, the said Secretary may take such action in relation to the proper disposition thereof, as, in his judgment, may be necessary and proper.

The improvements of the Indians

residing on the lands to be sold shall be valued by the United States, and the individual owners thereof shall receive the amount realized from the sale of the same, to be expended in building other improvements for them on the lands retained.

ARTICLE 3. The Delaware tribe of Indians, entertaining the belief that the value of their lands will be enhanced by having a railroad passing through their present reservation, and being of the opinion that the Leavenworth, Pawnee, and Western Railroad Company, incorporated by an act of the legislative assembly of Kansas Territory, will have the advantage of travel and general transportation over every other company proposed to be formed, which will run through their lands, have expressed a desire that the said Leavenworth, Pawnee, and Western Railroad Company shall have the preference of purchasing the remainder of their lands after the tracts in severalty and those for the special objects herein named shall have been selected and set apart, upon the payment into the United States treasury, which payment shall be made within six months after the quantity shall have been ascertained, in gold or silver coin, of such a sum as three commissioners, to be appointed by the Secretary of the Interior, shall appraise to be the value of said land: *Provided*, in no event shall the value be placed below the sum of one dollar and twenty-five cents per acre, exclusive of the cost of survey of the same. [And that the United States will issue a patent in fee-simple to said company, upon the payment as aforesaid, for all their land remaining in Kansas.] It is, therefore, agreed by the United States that the wishes of the Delawares shall be granted; that they will accept of the trust reposed upon them; and that the money resulting from such disposition of the lands shall be disposed of and applied in the manner provided for by the seventh and eighth articles of the Delaware treaty of sixth May, one thousand eight hundred and fifty-four, after expending a sufficient sum to enable them to com-

mence agricultural pursuits under favorable circumstances. It is also agreed that the said railroad company shall have the perpetual right of way over any portion of the lands allotted to the Delawares in severalty, on the payment of a just compensation therefor, in money, to the respective parties whose lands are crossed by the line of railroad.

ARTICLE 4. Whereas some years ago a good many of the Delawares went down among the Southern Indians, and as there are still about two hundred of them there, and as they have reason to believe they will return soon, it is hereby agreed that eighty acres each be set apart for them, to be allotted to them as they return, and certificates to be then issued to them, in the same manner as to those now within the reservation, and in every respect to be governed by the same rules and regulations as prescribed for the government of the lands reserved by the preceding articles, that until they return the allotments set apart for belong to the nation in common.

ARTICLE 5. There shall be reserved three hundred and twenty acres of ground where the mill, and school-house, and Ketchum's store now stand; three hundred and twenty acres where the council-house now is; one hundred and sixty acres where the Baptist mission now is; one hundred and sixty acres where the agency house now is; forty acres where the Methodist Episcopal Church South now is; forty acres where the Methodist Episcopal Church North now is; which several tracts, with the improvements thereupon, shall be disposed of when the objects for which they have been reserved shall have been accomplished, in such manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable, for the benefit of the Delawares.

ARTICLE 6. By article fourteen of the treaty between the Delawares and the United States, of May six, eighteen hundred and fifty-four, ratified by the Senate July eleven, eighteen hundred and fifty-four, the United States bound

herself to protect them and their rights; and that whereas, that depredations of various kinds have been committed upon them and their lands, it is hereby agreed that the United States shall pay them, within twelve months from the ratification of these articles of treaty and convention, thirty thousand dollars as indemnity for timber that has been cut off their reservation by the whites, and nine thousand five hundred dollars as indemnity for ponies and cattle that have been stolen from them by the whites since their last treaty with the United States. It is further stipulated that should the Senate of the United States refuse this article, it shall in no wise affect the validity of the other articles, or prejudice the right of the Delawares to appeal to the Congress of the United States for the indemnities hereby agreed upon.

It is further understood that, at the treaty between the Delawares and the United States, made September twenty-four, eighteen hundred and twenty-nine, the boundary of the reservation then set apart for them included the Half-breed Kansas lands; but it afterwards proved that the United States had previously set apart these lands for the Half-breed Kaws, and by that means they have been kept out of the use and benefit of said lands; it is, therefore, hereby agreed that a fair valuation shall be made by the United States upon such lands, under the direction of the Secretary of the Interior, and that the amount of said valuation shall be paid the Delawares.

ARTICLE 7. In consideration of the long and faithful services of the chiefs of the Delaware nation, and of their interpreter, who is also a member of the nation, it is further agreed that the said chiefs and interpreter shall have allotted to each a tract of land, to be selected by themselves, and shall receive a patent in fee-simple therefor from the President of the United States, viz: John Connor, principal chief, six hundred and forty acres; Sar-eox-ie, chief of the Turtle band, three hundred and twenty acres; Roek-a-to-wia, chief of the Turkey band, three hundred and

twenty acres; Ne-con-he-con, chief of the Wolf band, three hundred and twenty acres; and Henry Tiblow, interpreter, three hundred and twenty acres; the lines of each tract to conform to the legal subdivisions of survey. It is further agreed that, from the money as paid the Delaware tribe of Indians, in accordance with article number ten of this treaty, the chiefs of said tribe of Indians shall appropriate one thousand five hundred dollars as the annual salary of the councilmen of the said tribe of Indians.

ARTICLE 8. Any stipulation in former treaties inconsistent with those em-

braced in the foregoing articles shall be of no force or effect.

ARTICLE 9. As these articles are entered into for the sole use and benefit of the Delaware Indians, it is understood that the expenses incident to carrying them into effect shall be defrayed from the funds of said Indians, held in trust for them by the United States.

ARTICLE 10. The interest accruing to the Delawares under the former treaties, and that which may accrue under this, shall be paid on the first of April and October in each year.

In testimony whereof, the said Thomas B. Sykes, commissioner as aforesaid, and the said delegates of the Delaware tribe of Indians, have hereunto set their hands and seals, at the place and on the day and year hereinbefore written.

THOMAS B. SYKES,		[SEAL.]
<i>Commissioner.</i>		
JOHN CONNOR,	his x mark.	[SEAL.]
<i>Head Chief.</i>		
SAR-COX-IE, or The Highest,	his x mark.	[SEAL.]
<i>Assistant Chief.</i>		
NE-CON-HE-CON, or Bounding Ahead,	his x mark.	[SEAL.]
<i>Assistant Chief.</i>		
ROCK-A-TO-WHA, or Sun Rise,	his x mark.	[SEAL.]
<i>Assistant Chief.</i>		
JAMES CONNOR, or Ah-la-a-chick,	his x mark.	[SEAL.]

Signed in the presence of—

HENRY TIBLOW, *United States Interpreter.*
 JAMES FINDLAY.
 WILLIAM G. BRADSHAW.
 SAMUEL PRIESTLEY.
 THOMAS S. GLADDING.

And, whereas, the said treaty having been submitted to the Senate of the United States, for its constitutional action thereon, the Senate did, on the twenty-seventh of June, one thousand eight hundred and sixty, advise and consent to the ratification of the same, by a resolution and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 27, 1860.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "articles of agreement and convention made and concluded at Sarcovieville the thirtieth day of May, eighteen

hundred and sixty, by Thomas B. Sykes, commissioner on the part of the United States, and certain chiefs of the Delaware tribe of Indians, with the following amendment:

At the end of article third, add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians or the United States, until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue shall issue only when the said Secretary shall be satisfied that the road has been, in like manner completed and equipped to the western boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. *And provided further*, That in case the said company shall fail to make payment for the lands or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall be disposed of by the Secretary of the Interior, at public auction, in quantities not exceeding one hundred and sixty acres; but, in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified: *And provided further*, That the said railroad company shall, finally, and in good faith, sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands.

Attest:

ASBURY DICKINS, *Secretary*.

And whereas the foregoing amendment having been fully interpreted and explained to the chiefs and headmen of the Delaware tribe aforesaid, they did thereunto, on the twenty-first day of July, one thousand eight hundred and sixty, give their free and voluntary assent in the words and figures following, to wit:

We the undersigned chiefs, councilors, and headmen of the tribe of Delaware Indians on behalf of said tribe, now in full council assembled, having had fully explained to us the amendment made on the 27th day of June last, by the Senate of the United States, to the treaty made and concluded on the 30th of May last, at Sarcocicville, on the Delaware reservation, by Thomas B. Sykes, commissioner on the part of the United States, and the following named chiefs of the Delaware tribe of Indians, viz: John Connor, head chief of the whole tribe; Sar-cox-ie, chief of the Turtle band; Rock-a-to-wha, chief of the Turkey band, and assistant to the said head chief, chosen and appointed by the people; and James Connor, chosen by the said chiefs as delegate, which amendment is in the following words, viz:

AMENDMENT.

At the end of article 3 add: It being the intent and meaning of the Delawares, in consenting to the sale of their surplus lands to said company, that

they should, in good faith, and within a reasonable time, construct a railroad through their reservation, and to carry out this intent, as well as to secure so great a public convenience, it is agreed that no patent shall issue for any of these lands, nor shall the sale be binding upon the Delaware Indians nor the United States until the Secretary of the Interior shall be fully satisfied that a line of twenty-five miles of the road from Leavenworth City shall have been completed and equipped, when a patent shall issue for one-half of the ascertained quantity. The patent for the residue to issue only when the said Secretary shall be satisfied that the road has been in like manner completed and equipped to the western boundary of the Delaware reservation. And if the said company shall fail or neglect to construct either the first or second sections of the road, or having constructed the first section and fail to complete the second section within a reasonable time, they shall forfeit to the United States all right to the lands not previously patented, and the certificate of purchase shall be deemed and considered cancelled. *And provided further*, That in case the said company shall fail to make payment for the lands, or fail to construct the road, as hereinbefore stipulated, within a reasonable time, the surplus lands shall be disposed of by the Secretary of the Interior at public auction, in quantities not exceeding one hundred and sixty acres; but in no case for a sum less than the appraised value, the net proceeds to be applied in the same manner as hereinbefore specified. *And provided, further*, That the said railroad company shall finally and in good faith sell and dispose of all said lands within seven years after receiving the patent therefor, except what may be necessary for railroad purposes; and in default thereof, so much thereof as may remain undisposed of shall revert to the Delaware nation, to be disposed of as is herein provided for other forfeited lands, do hereby accept and consent to the said amendments to the articles of agreements and convention aforesaid, and agree that the same shall be considered as a part thereof.

In testimony whereof, we have hereunto set our hands and affixed our seals, this twenty-first day of July, anno Domini 1860.

JOHN CONNOR, his x mark. [SEAL.]
Head Chief.

SAR-COX-IE, his x mark. [SEAL.]
Chief of Turtle band.

NE-CON-HE-CON, his x mark. [SEAL.]
Chief of Wolf band.

ROCK-A-TO-WHA, his x mark. [SEAL.]
Chief of Turkey band.

JAMES CONNOR, his x mark. [SEAL.]
Delegate.

Witness—

HENRY TIBLOW, *United States interpreter.*

THOS. S. GLADDING.

SAMUEL PRIESTLY.

WM. G. BRADSHAW.

I do hereby certify that the forgoing instrument of writing was fully explained by me to the Delaware tribe of Indians in council assembled in the day and year last above written, and that they did accept and consent to the said foregoing instrument of writing, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this twenty-first day of July, one thousand eight hundred and sixty.

THOS. B. SYKES,
U. S. Agent for the Delawares.

Now, therefore, be it known that I, JAMES BUCHANAN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-seventh of June, eighteen hundred and sixty, accept, ratify and confirm said treaty with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-second day of August, in the year of our Lord one thousand eight hundred and sixty,
[L. s.] and of the independence of the United States the eighty-fifth.

JAMES BUCHANAN.

By the President :

WM. HENRY TRESCOT, *Acting Secretary of State.*



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TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
ARAPAHOE AND CHEYENNE INDIANS
OF THE
UPPER ARKANSAS RIVER.

CONCLUDED FEBRUARY 18, 1861.

RATIFIED, WITH AMENDMENT, AUGUST 6, 1861.

AMENDMENT ACCEPTED OCTOBER 29, 1861.

PROCLAIMED DECEMBER 5, 1861.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the hereinafter-named Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized thereto by said tribes, which treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, viz: Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians.

ARTICLE 1st. The said Chiefs and Delegates of said Arapahoe and Cheyenne tribes of Indians do hereby cede and relinquish to the United States all the lands now owned, possessed, or claimed by them, wherever situated, except a tract to be reserved for the use of said tribes located within the following described boundaries, to wit: Beginning at the mouth of the Sandy Fork of the Arkansas river and extending westwardly along the said river to the mouth of Purgatory river; thence along up the west bank of the Purgatory river to the northern boundary of the Territory of New Mexico; thence west along said boundary to a point where a line drawn due south from a point on the Arkansas river, five miles east of the mouth of the Huerfano river, would intersect said northern boundary of New Mexico;

thence due north from that point on said boundary to the Sandy Fork to the place of beginning.

The Arapahoes and Cheyennes, being desirous of promoting settled habits of industry and enterprise amongst themselves, by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the individual members of the respective tribes, to be cultivated and improved for their individual use and benefit, it is hereby agreed and stipulated that the tract of country contained within the boundary above described shall be set apart and retained by them for the purposes aforesaid.

According to an understanding among themselves, it is hereby agreed between the United States and the said tribes

that the said reservation shall be surveyed and divided by a line to be run due north from a point on the northern boundary of New Mexico, fifteen miles west of the Purgatory river, and extending to the Sandy Fork of the Arkansas river, which said line shall establish the eastern boundary of that portion of the reservation, to be hereafter occupied by the Cheyennes, and the western boundary of that portion of said reservation to be hereafter occupied by the Arapahoes.

ARTICLE 2d. Out of the lands so set apart and retained there shall be assigned to each member of said tribes, without distinction of age or sex, a tract of forty acres, to include in every case, as far as practicable, a reasonable portion of timber and water; one hundred and sixty acres of said retained lands shall also be set apart and appropriated to the use and occupancy of the agent, for the time being, of said tribes; and one hundred and sixty acres shall also be reserved out of each division of the retained tract for the establishment and support of schools for the education of the youth of the tribes. The location of the tracts, the assignment of which is provided for in this article, shall be made in as regular and compact a manner as possible, and so as to admit of a distinct and well-defined exterior boundary, embracing the whole of them, and any intermediate portions or parcels of land or water not included in or made part of the tracts assigned in severalty. All such intermediate parcels of land and water shall be owned in common by the tribe occupying that portion of the reservation within the limits of which said parcels of land and water may be included; but in case of increase in the tribe, or other cause rendering it necessary or expedient, the said intermediate parcels of land shall be subject to distribution and assignment in such manner as the Secretary of the Interior may prescribe and direct. The whole of the lands, assigned and unassigned, embraced within the exterior boundary herein designated, shall constitute and be known as the Reservation of the Arapahoes and Che-

yennes of the Upper Arkansas; and all laws which have been or may be passed by the Congress of the United States regulating trade and intercourse with Indian tribes shall have full force and effect over the same, and no white person, except as shall be in the employment of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of the central superintendency, or of the agent of the tribes.

ARTICLE 3d. The division and assignment in severalty among the Arapahoes and Cheyennes of the land hereinbefore reserved for that purpose shall be made under the direction of the Secretary of the Interior, and his decision of all questions arising thereupon shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that the said tracts are set apart for the exclusive use and benefit of the assignees and their heirs. And said tract shall not be alienated in fee, leased, or otherwise disposed of, except to the United States, or to members of the respective bands of Arapahoes and Cheyennes, and under such rules and regulations as may be prescribed by the Secretary of the Interior. And said tracts shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided by Congress. Prior to the issue of the certificates aforesaid, the Secretary of the Interior shall make such rules and regulations as he may deem necessary or expedient respecting the disposition of any of said tracts, in case of the death of the person or persons to whom they may be assigned, so that the same shall be secured to the families of such deceased persons; and should any of the Indians to whom tracts shall be assigned abandon them, the said Secretary may take such action in relation to the proper disposition thereof as, in his judgment, may be necessary and proper.

ARTICLE 4th. In consideration of the

foregoing cession, relinquishment, and agreements, and for the purpose of establishing the Arapahoes and Cheyennes comfortably upon the lands to be assigned to them in severalty, by building them houses, and by furnishing them with agricultural implements, stock animals, and other necessary aid and facilities for commencing agricultural pursuits under favorable circumstances, the United States do hereby agree and stipulate as follows, to wit: 1st. To protect the said Arapahoes and Cheyennes in the quiet and peaceable possession of the said tract of land so reserved for their future home, and also their persons and property thereon, during good behavior on their part. 2d. To pay to them, or expend for their benefit, the sum of thirty thousand dollars per annum for fifteen years; that is to say, fifteen thousand dollars per annum for each tribe for that number of years, commencing with the year in which they shall remove to and settle and reside upon their said reservation; making four hundred and fifty thousand dollars in annuities in the period of fifteen years, of which sums the Secretary of the Interior shall, from time to time, determine what proportion shall be expended for their benefit, and for what objects such expenditures shall be made, due regard being had, in making such determination, to the best interests of said Indians. He shall likewise exercise the power to make such provision out of said sums as he may deem to be necessary and proper for the support and comfort of the aged or infirm and helpless orphans of the said Indians. Their annuities may, at the discretion of the President of the United States, be discontinued entirely, should said Indians fail to make reasonable and satisfactory efforts to advance and improve their condition; in which case such other provision shall be made for them as the President and Congress may judge to be suitable and proper. 3d. It is hereby agreed that the expenses to be incurred in the purchase of agricultural implements, stock animals, &c., referred to in this article, as also the cost and expense of breaking up and fencing land,

building houses, storehouses, or other needful buildings, or in making such other improvements as may be necessary for their comfort and welfare, shall be defrayed out of the aforesaid sum of four hundred and fifty thousand dollars, to be paid to or expended for the benefit of the Arapahoes and Cheyennes as annuities.

ARTICLE 5th. To provide the said Indians with a mill suitable for sawing timber and grinding grain, one or more mechanic shops, with necessary tools for the same, and dwelling houses for an interpreter, miller, engineer for the mill, (if one be necessary,) farmers, and the mechanics that may be employed for their benefit, the United States agree to expend therefor a sum not exceeding five thousand dollars per annum for five years; and it is agreed that all articles of goods and provisions, stock, implements, lumher, machinery, &c., referred to in this treaty, shall be transported to the respective tribes of Arapahoes and Cheyennes, at the cost and expense of the United States.

ARTICLE 6th. The Arapahoes and Cheyennes of the Upper Arkansas, parties to this agreement, are anxious that all the members of their tribe shall participate in the advantages herein provided for respecting their improvement and civilization, and, to that end, to induce all that are now separated to rejoin and reunite with them. It is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted to have them notified of this agreement and its advantages; and to induce them to come in and unite with their brethren; and to enable them to do so, and to sustain themselves for a reasonable time thereafter, such assistance shall be provided for them, at the expense of the tribe, as may be actually necessary for that purpose: *Provided, however,* That those who do not rejoin and permanently reunite themselves with the tribe within one year from the date of the ratification of this treaty, shall not be entitled to the benefit of any of its stipulations.

ARTICLE 7th. Should any further aid from time to time be necessary to enable the Arapahoes and Cheyennes of the Upper Arkansas to sustain themselves successfully in agricultural or other industrial pursuits, such additional means as may be required therefor shall be taken from the moneys due and belonging to them under the provisions of former treaties or articles of agreement and convention, and so much of said moneys as may be required to furnish them further aid as aforesaid shall be applied in such manner, under the direction of the Secretary of the Interior, as he shall consider best calculated to improve and promote their welfare. And, in order to render unnecessary any further treaty engagements or arrangements hereafter with the United States, it is hereby agreed and stipulated that the President, with the assent of Congress, shall have full power to modify or change any of the provisions of former treaties with the Arapahoes and Cheyennes of the Upper Arkansas, in such manner and to whatever extent he may judge to be necessary and expedient for their best interests.

ARTICLE 8th. All the expenses connected with and incident to the making of this agreement and the carrying out its provisions shall be defrayed by the United States, except as otherwise herein provided.

In testimony whereof, the said Commissioner[s] as aforesaid, and the said Chiefs and Delegates of the Arapahoes and Cheyennes of the Upper Arkansas, have herunto set their hands and seals, at the place and on the day and year hereinbefore written.

A. G. BOONE,
U. S. Ind. Agt. and Commissioner.
F. B. CULVER,
Comr. and Spec. Agt.

On the part of the Arapahoes.

HO-HA-CA-CHE,	his x mark, or Little Raven.
AC-KER-BA-THE,	his x mark, or Storm.
CHE-NE-NA-E-TE,	his x mark, Shave-Head.
MA-NA-CA-TE,	his x mark, Big Mouth.

On the part of the Cheyennes.

MO-TA-VA-TO,	his x mark, Black Kettle.
VO-KI-VOKAMAST,	his x mark, White Antelope.

ARTICLE 9th. It is agreed that all roads and highways, laid out by authority of law, shall have right of way through the lands within the reservation hereinbefore specified, on the same terms as are provided by law when roads and highways are made through lands of citizens of the United States.

ARTICLE 10th. It is also agreed by the United States that the annuities now paid to the Arapahoes and Cheyennes, under existing treaties or articles of agreement and convention, shall be continued to them until the stipulations of said treaties or articles of agreement and convention relating to such annuities shall be fulfilled.

ARTICLE 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre.

ARTICLE 12th. This instrument shall be obligatory on the contracting parties whenever the same shall be ratified by the President and the Senate of the United States.

AVO-NA-CO,	his x mark,	Lean Bear.
O-NE-A-HA-KET,	his x mark,	Little Wolf.
NA-KO-HAIS-TAH,	his x mark,	Tall Bear.
A-AM-A-NA-CO,	his x mark,	Left Hand, or Namos.

JOHN S. SMITH, *U. S. Interpreter.*
ROBERT BENT, *U. S. Interpreter.*

Witnesses to the signatures :

JOHN SEDGWICK, *Major of Cavalry.*
R. RANSOM, JR., *Lt. of Cavalry.*
J. E. B. STUART, *1st Lt. 1st Cavalry.*
JOHN WHITE, *Clerk to the Indian signatures.*

P. S. And it is further understood, before signing the above treaty, that it was the particular request and wish of the Chiefs and Councillors in general convention, in consideration of Robert Bent being one of their half-breed tribe, that he should have, as a gift from the nation, six hundred and forty acres of land, covering the valley and what is called the Sulphur Spring, lying on the north side of the Arkansas river and about five miles below the Pawnee Hills, and they wish the general government to recognise and confirm the same ; and that Jack Smith, son of John S. Smith, who is also a half-breed of said nation, shall have six hundred and forty acres of land, lying seven miles above Bent's Old Fort, on the north side of the Arkansas river, including the valley and point of rock, and respectfully recommend the general government to confirm and recognise the same.

A. G. BOONE,
Com. and Ind. Agt.
F. B. CULVER,
Comr. and Spec. Agt.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE U. S.,
August 6, 1861.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Fort Wise, in the Territory of Kansas, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, viz : Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians, with the following amendment, viz :

Strike out the eleventh article, in the following words :

"ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States government to enter a sufficient quantity of land to include said city and towns at the minimum price of one dollar and twenty-five cents per acre."

Attest :

J. W. FORNEY, *Secretary.*

And whereas, the foregoing amendment having been fully interpreted and explained to the Chiefs and Delegates of the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, in full council assembled, on the [twenty-ninth day of October, one thousand eight hundred and sixty-one,] they did thereunto give their free and voluntary assent in the words and figures following, to wit :

We, the undersigned Chiefs, Councillors, Head Men, and Delegates, representing the confederated tribes of Arapahoe and Cheyenne Indians of the Upper Arkansas river, on behalf of said tribes, now in full council assembled, having had fully explained to us the amendment made on the 6th day of August, 1861, by the Senate of the United States, to the treaty made and concluded on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-one, by and between Albert G. Boone and F. B. Culver, Commissioners on the part of the United States, and the following named Chiefs, Councillors, and Head Men of the Arapahoe and Cheyenne confederated tribes of Indians, viz : Little Raven, Storm, Shave-Head, and Big Mouth, (on the part of the Arapahoes,) and Black Kettle, White Antelope, Lean Bear, Little Wolf, Tall Bear, and Left Hand, or Namos, (on the part of the Cheyennes,) they being thereto duly authorized by said confederated tribes of Indians ; which amendment is in the following words, viz :

Strike out the eleventh article, in the following words :

"ART. 11th. In consideration of the kind treatment of the Arapahoes and Cheyennes by the citizens of Denver city and the adjacent towns, they respectfully request that the proprietors of said city and adjacent towns be permitted by the United States Government to enter a sufficient quantity of land to include said city and towns, at the minimum price of one dollar and twenty-five cents per acre."

In testimony whereof, we have hereunto set our bands and affixed our seals this 29th day of October, 1861.

Signed on the part of the Arapahoes.

HO-HA-CA-CHE,	bis x mark, or Little Raven.
AC-KER-BA-THE,	bis x mark, or Storm.
CHE-NE-NA-ETE,	bis x mark, or Shave-Head.
MA-NA-CA-TE,	bis x mark, or Big Mouth.

On the part of the Cheyennes.

ME-TU-RA-TO,	bis x mark, or Black Kettle.
VO-KI-ROKAMAST,	bis x mark, or White Antelope.

AVO-NACO,	his x mark, or Lean Bear.
OHI-A-HA-KET,	his x mark, or Little Wolf.
NA-KO-HARSTULE,	his x mark, or Tall Bear.
HANO-A-NA-CO,	his x mark, or Left Hand, or Namos.

Witness :

A. G. BOONE, *Agt., &c., and Commissioner.*
 ELMER OTIS, *Capt. 4th Cav., Comdg.*
 J. M. WARREN, *2d Lieut., 8th Inf.*
 JOHN H. JANEWAY, *Asst. Surg., U. S. A.*
 JOHN S. SMITH, *U. S. Interpreter.*

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of August, one thousand eight hundred and sixty-one, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this fifth day of December, in the year of our Lord, one thousand eight hundred and sixty-
 [L. S.] one, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SACS AND FOXES OF MISSOURI
AND THE IOWA TRIBE.

CONCLUDED MARCH 6, 1861.

RATIFICATION ADVISED, WITH AMENDMENT, BY SENATE, FEBRUARY 6, 1863

AMENDMENT ACCEPTED MARCH 4, 1863.

PROCLAIMED MARCH 26, 1863.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Great Nemahaw Agency, in the Territory of Nebraska, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, United States Indian Agent, on the part of the United States, and Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee, Chiefs and Delegates of the Indians known as the Sacs and Foxes of Missouri, duly authorized thereto by said Indians, and No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse, Chiefs and Delegates of the Indians known as the Iowa tribe, duly authorized thereto by said Indians, in the words and figures following, to wit:

Articles of Agreement and Convention made and concluded at the office of the Great Nemahaw Agency, Nebraska Territory, on the sixth day of March, A. D. one thousand eight hundred and sixty-one, by and between Daniel Vanderslice, U. S. Indian agent, on the part of the United States, and the following named Delegates of the Sacs and Foxes of Missouri, viz: Pe-te-ok-a-ma, Ne-sour-quoit, Mo-less, and Se-se-ah-kee; and the following named Delegates of the Iowa Tribe, viz: No-heart, Nag-ga-rash, Mah-hee, To-hee, Tah-ra-kee, Thur-o-mony, and White Horse; they being duly authorized thereto by their respective tribes.

ARTICLE 1st. The Sacs and Foxes of Missouri hereby cede, relinquish, and convey to the United States all their right, title, and interest in and to lands within their present reservation described as follows, viz: beginning at the mouth of the south fork of the Great Nemahaw river, and thence up the southwest bank of the Great Nemahaw, with

its meanders, to the mouth of the west fork; thence up the west fork, with its meanders, to the line of the 40° of parallel on the west bank of creek or fork, where is established the southwest corner of the Sae and Fox reserve, by erecting a stone monument, from which the following references bear, viz: A large cottonwood tree, 3 feet in diame-

ter, bears S. 44° 00' E. 1.05 chains; a rock bears N. 30° 00' W. 50 links; another rock bears N. 50° 00' west 50 links; and another rock bears due north 1 chain; thence east, along the line of the 40° of parallel to the west bank of the south fork of the Great Nemahaw river, distance fourteen miles twenty-seven chains and sixty links, where is established the southeast corner of the Sac and Fox reserve, by erecting a stone pile with a black walnut post in the centre of it, from which a white elm, two feet in diameter, bears S. 33° 00' E. 22 links, and marked with the letters S. E. cor. for the southeast corner, and another elm, 18 inch[c]s in diameter, bears S. 39° 00' E. 1.05 chains, and marked S E C B S E, for the southeast corner, bearing, and distance; and another black walnut, 9 inch[c]s in diameter, bears S. 15° 00' E. 85 links, and thence down the south fork, with its meanders, to the point of beginning, estimated to contain 32,098 acres 3 rods and 35 perches.

ARTICLE 2nd. The aforesaid lands shall be surveyed in conformity with the system governing the survey of the public lands; and the same shall be sold, under the direction of the Secretary of the Interior, in parcels not exceeding one hundred and sixty acres each, to the highest bidder for cash; the sale to be made upon sealed proposals, to be duly invited by public advertisement, provided no bid shall be favorably considered which may be less than one dollar and twenty-five cents per acre. And should any of the tracts so to be sold have upon them improvements of any kind which were made by or for the Indians, or for Government purposes, the proposals therefor must state the price for both the land and improvements. The proceeds of the sales thereof, after deducting therefrom the expenses of surveying the lands and all other expenses incident to the negotiation of these articles of convention and the proper execution thereof, the bal-

ance shall be applied as follows, viz: one half shall be held in trust by the United States for the benefit of the Sacs and Foxes of Missouri, and interest thereon, at the rate of five per centum per annum, shall be paid annually, with the other funds to be paid said tribe, in the same manner as stipulated in the treaty of May 18th, 1854; and the other half of said balance shall be applied as hereinafter specified.

ARTICLE 3rd. The Iowa tribe of Indians, parties to this agreement, hereby cede, relinquish, and convey to the United States, for the use and benefit of the Sacs and Foxes of Missouri, for their permanent home, all that part of their present reservation lying and being west of Nohearts creek, and bounded as follows, viz: Beginning at a point where the southern line of the present Iowa reserve crosses Nohearts creek; thence with said line to the south fork of the Nemahaw, (commonly known as Walnut creek;) thence down the middle of said south fork, with the meanders thereof, to its mouth, and to a point in the middle of the great Nemahaw river; thence down the middle of said river to a point opposite the mouth of Nohearts creek; and thence, in a southerly direction with the middle of said Nohearts creek, to the place of beginning. And it is hereby understood and agreed that, in full consideration for said cession, the United States shall hold in trust, for the use and benefit of the Iowas, the one-half of the net proceeds of the sales of the lands described in the 2d article of this agreement, and interest thereon, at the rate of five per centum per annum, shall be paid to the Iowa tribe in the same manner as their annuities are paid under the treaty of May 17th, 1854. The reservation herein described shall be surveyed and set apart for the exclusive use and benefit of the Sacs and Foxes of Missouri, and the remainder of the Iowa lands shall be the tribal reserve of said Iowa Indians, for their exclusive use and benefit.

ARTICLE 4th. The Sacs and Foxes of Missouri being anxious to make full satisfaction for a just claim which Joseph Tesson holds against said tribe it is hereby agreed by the parties to this convention that said claimants shall select a quarter-section or one hundred and sixty acres of land, to include his present residence and improvements, to be located in one body, in conformity with the legal sub-divisions of the public surveys, which tract of land shall be received by him in full payment of said claim, estimated at about eight hundred dollars, and all other claims or rights of every character whatsoever against said tribe; and when a relinquishment shall have been executed by said claimant in favor of said tribe for all claims that he may have against them, a patent shall be issued to him for said tract of land in fee simple.

The following chiefs shall be entitled to select each a quarter-section or one hundred and sixty acres of land in one body, in conformity with the public surveys, to include their present residences and improvements, viz: Pe-te-ok-a-ma, Ne-sour-quoit, and Mo-less; and George Gomess, a member of the Sac and Fox tribe, shall select in like manner one-eighth of a section or eighty acres of land in one body, to include his improvements, and patents shall be issued therefor in favor of said persons in fee simple.

ARTICLE 5th. In order to encourage education among the aforesaid tribes of Indians, it is hereby agreed that the United States shall expend the sum of one thousand dollars for the erection of a suitable school-house, and dwelling-house for the school teacher, for the benefit of the Sacs and Foxes, and also the additional sum of two hundred dollars per annum for school purposes, so long as the President of the United States may deem advisable. And for the benefit of the Iowa tribe of Indians there shall be expended, in like manner, at the discretion of the President, the sum

of three hundred dollars per annum, for school purposes, which two last mentioned sums shall be paid out of the funds to be appropriated for the civilization of Indians.

ARTICLE 6th. There shall be set apart in one body, under the direction of the Commissioner of Indian Affairs, one section, or six hundred and forty acres of land, in harmony with the public surveys, so as to include the agency dwelling, agency office, council house, school-house, teacher's dwelling, blacksmith's dwelling and shops, and such farming land as may be necessary for the use of the school agency, and employees thereof.

ARTICLE 7th. No person not a member of either of the tribes, parties to this convention, shall go upon the reservations, or sojourn among the Indians, without a license or written permit from the agent or Superintendent of Indian Affairs, except government employees or persons connected with the public service. And no mixed blood Indians, except those employed at some mission, or such as may be sent there to be educated, or other members of the aforesaid tribes, shall participate in the beneficial provisions of this agreement or former treaties, unless they return to and unite permanently with said tribes, and reside upon the respective reservations within six months from the date of this convention.

ARTICLE 8th. It is hereby understood and agreed by the contracting parties hereto that the stipulations of the treaty with the Sacs and Foxes of Missouri of May 18th, 1854, and the treaty with the Iowa Indians of the 17th of May, 1854, which may not be inconsistent with these articles of convention, shall have full force and effect upon the contracting parties hereto.

ARTICLE 9th. This instrument shall be obligatory upon the respective parties hereto whenever the same shall be ratified by the President and the Senate of the United States.

In testimony whereof, the said Commissioner as aforesaid, and the said Chiefs and Delegates of the Sacs and Foxes of Missouri, and [of the] Iowa tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

D. VANDERSLICE, [L. S.]
U. S. Indian Agent.

PE-TE-OK-A-MA,	his x mark.	[L. S.]
NE-SOUR-QUOIT,	his x mark.	[L. S.]
MO-LESS,	his x mark.	[L. S.]
SE-SE-AM-KEE,	his x mark.	[L. S.]

Sacs and Foxes of Mo.

NO-HEART,	his x mark.	[L. S.]
NAG-GA-RASH,	his x mark.	[L. S.]
MAH-HEE,	his x mark.	[L. S.]
TO-HEE,	his x mark.	[L. S.]
TAH-RA-KEE,	his x mark.	[L. S.]
THUR-O-MONY,	his x mark.	[L. S.]
WHITE HORSE,	his x mark.	[L. S.]

Iowa Indians.

Signed in the presence of—

GEORGE GOMES, his x mark,
U. S. Interpreter for Sacs and Foxes of Mo.

HARVEY W. FORMAN,
Witness to signing by George Gomes.

KIRWAN MURRAY,
U. S. Interpreter for Iowa Indians.

HARVEY W. FORMAN,
JOHN W. FORMAN,
JOSEPHUS UTT.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of February, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution and with an amendment in the words and figures following, to wit:

IN THE SENATE OF THE UNITED STATES,
February 6th, 1863.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention concluded at the Great Nemahaw Agency, Nebraska Territory, the 6th March, 1861, between Daniel Vanderslice, United States Indian Agent, and Delegates of the Sacs and Foxes of Missouri, with the following amendments, viz:

Insert the following as additional articles:

ARTICLE 10. The Secretary of the Interior (\$3,500,) out of the proceeds of the sales of said lands, at any time he may deem it advisable for the purpose of three thousand five hundred dollars,

erecting a toll bridge across the Great Nemaha River, at or near Roy's Ferry, for use of the Iowa Indians; and a like sum of three thousand five hundred dollars, (\$3,500,) out of the proceeds of the sales of said lands, for the purpose of erecting a toll bridge across the Great Nemaha River, at or near Wolf Village, for the use of the Sacs and Foxes of Missouri.

Toll shall be charged and collected for the use of said bridges at such rates and under such rules and regulations as may be established by the Commissioner of Indian Affairs with the approval of the

Attest :

Secretary of the Interior, the proceeds of such tolls to be expended as follows : 1st, in making necessary repairs on said bridges; 2nd, for the use of said tribes respectively.

ARTICLE 11. It is further stipulated that, whenever Congress shall by law so provide, all annuities due and to become due and payable to the said tribes of Indians under this treaty, and under all other previous treaties, may be paid in specific articles, clothing, agricultural implements, and such other articles as Congress shall direct.

J. W. FORNEY,
Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter-named Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, they did, on the fourth day of March, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Delegates of the Sac and Fox and the Iowa tribes of Indians, we do hereby agree to and ratify the same.

Done at the Great Nemaha Agency, Nebraska Territory, on this fourth day of March, A. D. 1863.

PE-TE-OK-E-MA,	his x mark.
NE-SOUR-QUOIT,	his x mark.
MO-LESS,	his x mark.
	<i>Sac[s] and Foxes of Mo.</i>
NAG-GA-RASH,	his x mark.
MA-HEE,	his x mark.
TO-HEE,	his x mark.
THOR-O-MONY,	his x mark.
TAH-RA-KEE,	his x mark.
	<i>Iowa Indians.</i>

In the presence of—

JOHN A. BURBANK, *U. S. Ind. Agent.*

GEORGE GOMES, his x mark,

U. S. Interpreter for Sac[s] and Foxes of Mo.

H. M. ROBINSON.

D. W. ALLISON.

ELISHA DORION, his x mark.

Interpreter for Iowa Indians.

J. W. WASHBURN.

M. GRIFFIN.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of February, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of March, in the year
 [SEAL.] of our Lord one thousand eight hundred and sixty-three, and of
 the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

1861

TREATY

BETWEEN

THE UNITED STATES

AND THE

DELAWARE TRIBE OF INDIANS.

CONCLUDED JULY 2, 1861.

RATIFIED AUGUST 6, 1861.

PROCLAIMED OCTOBER 4, 1861.





ABRAHAM LINCOLN.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a Treaty or Agreement was made and concluded at Leavenworth City, Kansas, on the second day of July, one thousand eight hundred and sixty-one, between the United States of America and the Delaware Tribe of Indians, relative to certain lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to bonds executed to the United States by the said company for the payment of the said Indians, which treaty or agreement, with the preliminary and incidental papers necessary to the full understanding of the same, is in the following words, to wit:

WHEREAS, by the treaty of May 30, 1860, between the United States and the Delaware tribe of Indians, it is provided that the surplus lands of said Delawares, not included in their "home reserve," should be surveyed and appraised under direction of the Secretary of the Interior; and that in order to aid in the construction of a railroad near and through their said "home reserve," the Leavenworth, Pawnee, and Western Railroad Company of Kansas, duly organized and incorporated under the laws of said Territory, should have the right to purchase such surplus lands at such appraised value—on condition, however, that after paying for said lands said company should only receive title to one half of them on completing and equipping, within a reason-

able time, twenty-five (25) miles of said railroad from Leavenworth City westward; and should only receive title to the remaining half of said lands on completing and equipping said road, within a reasonable time, to the western boundary of the "Delaware Reserve;" and that in case said company should fail to pay for said lands, or having paid should forfeit the same, or any part thereof, before receiving title, by failing to construct either the first or the second section of said road within such reasonable time, then the lands so forfeited, or not paid for, should be sold in quantities not exceeding one hundred and sixty (160) acres, at not less than such appraised value; the proceeds of such sale, subject to a certain contingent deduction, to be invested by the President of the

DESCRIPTION.	Section.	Township.	Range.	Meridian.	DESCRIPTION.	Section.	Township.	Range.	Meridian.
South half.....	25	10	19 E.	6th	South half.....	12	11	17 E.	6th
Section.....	26	10	19 E.	6th	North half.....	13	11	17 E.	6th
Section.....	28	10	19 E.	6th	South half.....	24	11	17 E.	6th
West half.....	30	10	19 E.	6th	South half.....	2	11	18 E.	6th
Section.....	32	10	19 E.	6th	South half.....	4	11	18 E.	6th
Section.....	34	10	19 E.	6th	East half.....	6	11	18 E.	6th
Section.....	36	10	19 E.	6th	East half.....	7	11	18 E.	6th
South half.....	2	10	20 E.	6th	Section.....	8	11	18 E.	6th
South half.....	4	10	20 E.	6th	Section.....	10	11	18 E.	6th
S. W. quarter.....	5	10	20 E.	6th	Section.....	12	11	18 E.	6th
Section.....	6	10	20 E.	6th	Section.....	14	11	18 E.	6th
Section.....	8	10	20 E.	6th	West half.....	15	11	18 E.	6th
Section.....	10	10	20 E.	6th	East half.....	17	11	18 E.	6th
Section.....	12	10	20 E.	6th	East half.....	18	11	18 E.	6th
Section.....	14	10	20 E.	6th	West half.....	20	11	18 E.	6th
West half.....	15	10	20 E.	6th	East half.....	22	11	18 E.	6th
Section.....	17	10	20 E.	6th	West half.....	23	11	18 E.	6th
East half.....	19	10	20 E.	6th	West half.....	24	11	18 E.	6th
East half.....	20	10	20 E.	6th	East half.....	25	11	18 E.	6th
West half.....	21	10	20 E.	6th	South half.....	1	11	19 E.	6th
Section.....	22	10	20 E.	6th	South half.....	3	11	19 E.	6th
Section.....	24	10	20 E.	6th	South half.....	5	11	19 E.	6th
Section.....	26	10	20 E.	6th	East half.....	7	11	19 E.	6th
Section.....	28	10	20 E.	6th	Section.....	9	11	19 E.	6th
Section.....	30	10	20 E.	6th	Section.....	11	11	19 E.	6th
Section.....	32	10	20 E.	6th	Section.....	13	11	19 E.	6th
Section.....	34	10	20 E.	6th	Section.....	15	11	19 E.	6th
Section.....	36	10	20 E.	6th	Section.....	17	11	19 E.	6th
Section.....	8	10	21 E.	6th	East half.....	18	11	19 E.	6th
Section.....	10	10	21 E.	6th	East half.....	19	11	19 E.	6th
Section.....	12	10	21 E.	6th	Section.....	21	11	19 E.	6th
Section.....	13	10	21 E.	6th	Section.....	23	11	19 E.	6th
Section.....	15	10	21 E.	6th	Section.....	25	11	19 E.	6th
Section.....	17	10	21 E.	6th	East half.....	24	11	19 E.	6th
Section.....	19	10	21 E.	6th	Section.....	27	11	19 E.	6th
Section.....	21	10	21 E.	6th	Section.....	29	11	19 E.	6th
Section.....	23	10	21 E.	6th	East half.....	30	11	19 E.	6th
Section.....	25	10	21 E.	6th	East half.....	33	11	19 E.	6th
Section.....	27	10	21 E.	6th	West half.....	34	11	19 E.	6th
Section.....	29	10	21 E.	6th	North half.....	35	11	19 E.	6th
Section.....	31	10	21 E.	6th	Section.....	36	11	19 E.	6th
Section.....	33	10	21 E.	6th	South half.....	1	11	20 E.	6th
Section.....	35	10	21 E.	6th	South half.....	2	11	20 E.	6th
Section.....	7	10	22 E.	6th	South half.....	3	11	20 E.	6th
Section.....	9	10	22 E.	6th	South half.....	4	11	20 E.	6th
Section.....	11	10	22 E.	6th	East half.....	7	11	20 E.	6th
Section.....	13	10	22 E.	6th	South half.....	8	11	20 E.	6th
Section.....	15	10	22 E.	6th	South half.....	9	11	20 E.	6th
Section.....	17	10	22 E.	6th	N. W. quarter.....	13	11	20 E.	6th
Section.....	19	10	22 E.	6th	S. W. quarter.....	15	11	20 E.	6th
Section.....	21	10	22 E.	6th	North half.....	17	11	20 E.	6th
Section.....	23	10	22 E.	6th	East half.....	18	11	20 E.	6th
Section.....	25	10	22 E.	6th	East half.....	19	11	20 E.	6th
Section.....	27	10	22 E.	6th	North half.....	20	11	20 E.	6th
Section.....	29	10	22 E.	6th	West half.....	21	11	20 E.	6th
Section.....	31	10	22 E.	6th	East half.....	22	11	20 E.	6th
Section.....	33	10	22 E.	6th	South half.....	23	11	20 E.	6th
Section.....	35	10	22 E.	6th	South half.....	24	11	20 E.	6th
Section.....	7	10	23 E.	6th	Section.....	25	11	20 E.	6th
Section.....	9	10	23 E.	6th	South half.....	26	11	20 E.	6th
Section.....	11	10	23 E.	6th	East half.....	27	11	20 E.	6th
Section.....	19	10	23 E.	6th	East half.....	33	11	20 E.	6th
South half.....	1	11	17 E.	6th	Section.....	34	11	20 E.	6th

DESCRIPTION.	Section.	Township.	Range.	Meridian.
Section 1.....	1	11	20 E.	6th
Section 2.....	2	11	21 E.	6th
Section 3.....	3	11	21 E.	6th
Section 4.....	4	11	21 E.	6th
Section 5.....	5	11	21 E.	6th
Section 6.....	6	11	21 E.	6th
Section 7.....	7	11	21 E.	6th
Section 8.....	8	11	21 E.	6th
Section 9.....	9	11	21 E.	6th
Section 10.....	10	11	21 E.	6th
Section 11.....	11	11	21 E.	6th
Section 12.....	12	11	21 E.	6th
Section 13.....	13	11	21 E.	6th
Section 14.....	14	11	21 E.	6th
Section 15.....	15	11	21 E.	6th
Section 16.....	16	11	21 E.	6th
Section 17.....	17	11	21 E.	6th
Section 18.....	18	11	21 E.	6th
Section 19.....	19	11	21 E.	6th
Section 20.....	20	11	21 E.	6th
Section 21.....	21	11	21 E.	6th
Section 22.....	22	11	21 E.	6th
Section 23.....	23	11	21 E.	6th
Section 24.....	24	11	21 E.	6th
Section 25.....	25	11	21 E.	6th
Section 26.....	26	11	21 E.	6th
Section 27.....	27	11	21 E.	6th
Section 28.....	28	11	21 E.	6th
Section 29.....	29	11	21 E.	6th
Section 30.....	30	11	21 E.	6th
Section 31.....	31	11	21 E.	6th
Section 32.....	32	11	21 E.	6th
Section 33.....	33	11	21 E.	6th
Section 34.....	34	11	21 E.	6th
Section 35.....	35	11	21 E.	6th
Section 36.....	36	11	21 E.	6th
Section 37.....	37	11	21 E.	6th
Section 38.....	38	11	21 E.	6th
Section 39.....	39	11	21 E.	6th
Section 40.....	40	11	21 E.	6th
Section 41.....	41	11	21 E.	6th
Section 42.....	42	11	21 E.	6th
Section 43.....	43	11	21 E.	6th
Section 44.....	44	11	21 E.	6th
Section 45.....	45	11	21 E.	6th
Section 46.....	46	11	21 E.	6th
Section 47.....	47	11	21 E.	6th
Section 48.....	48	11	21 E.	6th
Section 49.....	49	11	21 E.	6th
Section 50.....	50	11	21 E.	6th
Section 51.....	51	11	21 E.	6th
Section 52.....	52	11	21 E.	6th
Section 53.....	53	11	21 E.	6th
Section 54.....	54	11	21 E.	6th
Section 55.....	55	11	21 E.	6th
Section 56.....	56	11	21 E.	6th
Section 57.....	57	11	21 E.	6th
Section 58.....	58	11	21 E.	6th
Section 59.....	59	11	21 E.	6th
Section 60.....	60	11	21 E.	6th
Section 61.....	61	11	21 E.	6th
Section 62.....	62	11	21 E.	6th
Section 63.....	63	11	21 E.	6th
Section 64.....	64	11	21 E.	6th
Section 65.....	65	11	21 E.	6th
Section 66.....	66	11	21 E.	6th
Section 67.....	67	11	21 E.	6th
Section 68.....	68	11	21 E.	6th
Section 69.....	69	11	21 E.	6th
Section 70.....	70	11	21 E.	6th
Section 71.....	71	11	21 E.	6th
Section 72.....	72	11	21 E.	6th
Section 73.....	73	11	21 E.	6th
Section 74.....	74	11	21 E.	6th
Section 75.....	75	11	21 E.	6th
Section 76.....	76	11	21 E.	6th
Section 77.....	77	11	21 E.	6th
Section 78.....	78	11	21 E.	6th
Section 79.....	79	11	21 E.	6th
Section 80.....	80	11	21 E.	6th
Section 81.....	81	11	21 E.	6th
Section 82.....	82	11	21 E.	6th
Section 83.....	83	11	21 E.	6th
Section 84.....	84	11	21 E.	6th
Section 85.....	85	11	21 E.	6th
Section 86.....	86	11	21 E.	6th
Section 87.....	87	11	21 E.	6th
Section 88.....	88	11	21 E.	6th
Section 89.....	89	11	21 E.	6th
Section 90.....	90	11	21 E.	6th
Section 91.....	91	11	21 E.	6th
Section 92.....	92	11	21 E.	6th
Section 93.....	93	11	21 E.	6th
Section 94.....	94	11	21 E.	6th
Section 95.....	95	11	21 E.	6th
Section 96.....	96	11	21 E.	6th
Section 97.....	97	11	21 E.	6th
Section 98.....	98	11	21 E.	6th
Section 99.....	99	11	21 E.	6th
Section 100.....	100	11	21 E.	6th

100 sections, at 100,000 acres.

And immediately on such failure, the United States may take possession of and sell said lands for the exclusive benefit of said Delaware Indians.

And in case said company shall forfeit the one hundred thousand (100,000) acres above described, it shall thereupon also forfeit all its right and title to all the lands purchased by it from said Indians, not carved and patented at the date of such forfeiture.

And said company further agree that, on the completion of the first section of said road, it shall only be entitled to a patent for one-half of the lands not pledged for the payment of said bonds; and on the completion of said second section it shall have a patent for only the remaining half; and that no patent shall issue to a few any of the lands so pledged until after said bonds and the interest thereon paid shall be paid and every part of them have been fully and promptly paid and canceled.

In witness whereof, the said Leaven-

worth, Pawnee, and Western Railroad Company, by Thomas Ewing, jr., their agent aforesaid, have executed this instrument and attached thereto the seal of said company, this 2d day of July, 1861.

The Leavenworth, Pawnee, and [SEAL.] Western Railroad Company, by their agent,

THOMAS EWING, Jr.

State of Kansas, Leavenworth county, ss.

On this second day of July, A. D. 1861, before me, the undersigned authority, a Notary Public in and for the county aforesaid, in the State aforesaid, personally came Thomas Ewing, jr., Agent of the Leavenworth, Pawnee, and Western Railroad Company, to me personally known to be the identical person who signed the foregoing instrument of writing, and whose name is thereto affixed as grantor, and he acknowledged the same to be his own voluntary act and deed.

Witness my hand and notarial
[SEAL.] seal, this 2d day of July, A. D.
1861.

W. S. VAN DOREN,
Notary Public,
Leavenworth county, Kansas.

In testimony whereof, I hereunto sign
my name and affix the official seal of the
company.

THOS. S. GLADDING,
[SEAL.] *Secretary L. P. & W. R. R. Co.*

At a called meeting of the Board of
Directors of the Leavenworth, Pawnee,
and Western Railroad Company, on Mon-
day, July 1st, 1861, at the office of A.
J. Isaacks, in Leavenworth city, Kansas,
was present, Jas. C. Stone, Amos Rees,
Thomas Ewing, jr., and Thomas S. Glad-
ding.

Resolved, That Thomas Ewing, jr., be
authorized and directed, as agent of the
company, to make, execute, and deliver
to Archibald Williams, as agent of the
United States, the bonds and interest war-
rants of the company for \$286,742¹⁵/₁₀₀,
payable in ten years from their date,
with 6 per cent. interest, payable annu-
ally, payable to the Commissioner of In-
dian Affairs, or bearer, at the office of
the Assistant Treasurer of the United
States in the city of New York; and
also to make and execute to the United
States, and cause to be recorded and
delivered to said Williams, as such agent,
a mortgage of the company on the one
hundred thousand acres of Delaware In-
dian lands, described in the letter of the
Commissioner of Indian Affairs to the
Secretary of the Interior, of May 29th,
1861; such mortgage to contain all the
conditions prescribed in the paper sign-
ed by the President of the United States,
of June 16th, 1861, the terms of which
are hereby accepted by the company.

I hereby certify that at a meeting of
the Board of Directors of the Leaven-
worth, Pawnee, and Western Railroad
Company, held at the office of A. J.
Isaacks, in the city of Leavenworth, in
the State of Kansas, on the 1st day of
July, 1861, the foregoing proceedings
were had and recorded on the journal
of the company; and that the same is a
true and correct transcript of the same
from the journal of said company.

Whereas, by the treaty of Sarcovieville,
amended by the United States Senate,
and finally ratified by the President of
the United States on the 22d day of
August, 1860, a principal object of both
parties was the construction of a certain
contemplated railroad therein named;
and to that end the Leavenworth, Paw-
nee, and Western Railroad Company
were to pay into the United States
Treasury, in gold or silver coin, a sum
of money, afterwards ascertained to be
\$286,742¹⁵/₁₀₀, as the appraised value of
certain lands in Kansas belonging to the
Delaware tribe of Indians; which sum of
money, after expending a sufficient part
of it to enable the Indians to commence
agricultural pursuits under favorable cir-
cumstances, was to be, by the President
for said Indians, invested in safe and
profitable stocks: And whereas the said
railroad company is not able to pay said
sum of money within time, according to
said treaty; and whereas the President is
of opinion that it is not for the interest
of either party that said object of the
treaty shall fail, but not knowing what
would be the desire of said Indians on
this point, nor knowing whether any
part of said sum would be needed to
enable the Indians to commence agri-
cultural pursuits under favorable cir-
cumstances, but supposing it probable
that no part of it would be so needed,
as said Indians now have over fifty
thousand dollars lying idle in the United
States Treasury: Therefore—

It is directed by the President that
said Railroad Company may execute
their bonds, with interest-warrants or
coupons attached, according to the forms
hereto annexed, the principal of which
bonds shall amount to the aggregate
sum of \$286,742¹⁵/₁₀₀, and deposit the
same with Archibald Williams, of Kan-

sas, hereby appointed to receive and receipt for the same, to be by him transmitted to the Commissioner of Indian Affairs for the use of said Indians; and also shall, in due and proper form, execute a mortgage upon one hundred thousand acres of the land contemplated in and by said treaty to aid in the construction of said railroad, the said one hundred thousand acres to be the lands designated in the letter of the Commissioner of Indian Affairs to the Secretary of the Interior, dated May 29, 1861; said mortgage to be conditioned for the full payment of said bonds, both as to interest and principal, and that on any failure to pay either when due all right and interest of said Railroad Company in and to said mortgaged land, and also to all such of said land not mortgaged as shall not at that time be earned and patented according to said treaty, shall be forfeited, and said land again become the absolute property of the United States in trust for said Indians; and said mortgaged lands to be in no event patented to said _____ until said bonds, principal and interest, shall be fully paid. And upon said bonds being so made and deposited, and said mortgage being so executed and duly recorded in Leavenworth county, Kansas, all matters, so far as not necessarily varied by this arrangement, shall proceed in conformity to said treaty, as if the money had been paid by said Railroad Company and had been invested by the President in said railroad bonds: *Provided always*, that this arrangement shall be of no effect until Archibald Williams, Judge of the United States Court for the District of Kansas, shall have endorsed a certificate upon this paper that he has carefully examined the same, and also the bonds and mortgage offered in compliance with its provisions, and has found that bonds and mortgage do in fact comply with and fulfil said provisions; and also that he has had before him the chiefs and headmen named in said treaty, as John Connor, Sar-cox-ie, Ne-con-he-con, and Rock-a-to-wha, and has fully explained to them the nature and effect of

this departure from the terms of said treaty, and that they freely assented to the same.

ABRAHAM LINCOLN.

JUNE 10, 1861.

Form of Bond.

\$10,000.

No. 1.

Know all men by these presents: That the Leavenworth, Pawnee, and Western Railroad Company is held and bound to the United States, as trustee for the Delaware tribe of Indians, in the sum of ten thousand dollars, to be paid to the Commissioner of Indian Affairs, or bearer, at the office of the Assistant Treasurer of the United States, in the city of New York, in ten years from the date hereof, on the surrender of this bond, with interest on said sum from the same date, at six per cent. per annum, payable annually at the same office, on the surrender, as they severally fall due, of the annexed interest warrants. This bond being one of twenty-nine bonds for sums amounting in the aggregate to \$290,560, the payment of which, with the interest warrants attached, is secured by mortgage of even date herewith on one hundred thousand acres of the land acquired by said company, under the conditions and provisions of the treaty between the United States and the Delaware tribe of Indians of May 30, 1860.

In witness whereof the Leavenworth, Pawnee, and Western Railroad Company, by Thomas Ewing, jr., their agent, have signed this obligation, and have attached thereto their corporate seal this 14th day of May, 1861.

The Leavenworth, Pawnee, and
[SEAL.] Western Railroad Company,
by

THOMAS EWING, Jr.,
Their Agent.

Form of Warrant.

The Leavenworth, Pawnee, and Western Railroad Company promises to pay

to the Commissioner of Indian Affairs of the United States or bearer, on the 14th day of May, 1862, at the office of the Assistant Treasurer of the United States, in the city of New York, six hundred dollars, interest due that day on their bond No. 1.

The Leavenworth, Pawnee, and Western Railroad Company,
by

THOMAS EWING, Jr.,
Their Agent.

Office of Register of Deeds,
County of Leavenworth, } ss.
State of Kansas, }

I, W. S. Van Doren, Register of Deeds within and for the county aforesaid, do hereby certify that the within and foregoing instruments of writing were received by me for record this second day of July, A. D. 1861, at 3½ o'clock p. m., and that the same are duly recorded in Book P, for recording mortgages, at page 230, &c.

In testimony whereof, I have hereunto set my hand and official seal of office, the day and year aforesaid.

W. S. VAN DOREN,
Register of Deeds.

I, Archibald Williams, judge of the United States court for the district of Kansas, do hereby certify that I have

carefully examined the within paper signed by the President of the United [States,] and have also examined and approved the bonds and mortgage offered by the Leavenworth, Pawnee, and Western Railroad Company in compliance with its provisions, and have accepted said bonds and mortgage, and receipted to said company for the same, as agent of the United States, and caused said mortgage to be duly recorded in the office of the Recorder of Deeds for Leavenworth county, Kansas.

And I do further certify, that I have had before me the Chiefs and Headmen therein named, as John Connor, Sar-cox-ie, and Ne-con-he-con, and also James Connor, who was the delegate at large of said tribe, in making the treaty of 1860, and read to them the said paper signed by the President, and fully explained to them the nature and effect of the proposition set forth in said paper; and that, after they had fully discussed the proposition, John Connor, in English, and James Connor, Sar-cox-ie, and Ne-con-he-con, through the said John Connor and other interpreters, declared that they understood it thoroughly, and each freely assented to the same; and that evidence has been presented to me by John Connor and other chiefs of said tribe, by which I am satisfied that Rock-a-to-wha died several months ago, and that no chief has been appointed in his place.

Given under my hand at Leavenworth city, Kansas, this 2d day of July, 1861.

ARCHIBALD WILLIAMS.

AND WHEREAS the said treaty or agreement having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth of August, one thousand eight hundred and sixty-one, advise and consent to the ratification of the same by a resolution, and with amendments, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
August 6, 1861.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the treaty or agreement between the United States of America and the Delaware tribe of Indians relative to certain

lands of that tribe conveyed to the Leavenworth, Pawnee, and Western Railroad Company, and to land executed to the United States by the said company for the payment of the said Indians, done the second day of July, eighteen hundred and sixtiene.

Provided, That the provisions of this treaty shall not be held to apply to any lands not heretofore surveyed and appraised and not included within the limits of said reserve; nor any lands included in any fort or reservation for military purposes.

Provided further, That if twenty-five miles of said railroad, from Leavenworth city westwardly, is not completed and equipped within five years from the ratification hereof, said company shall thereupon forfeit all right, title, and interest, legal and equitable, in and to all and every part of said lands; and if the remaining section to the western boundary of the said reserve be not completed and equipped within three years from the date fixed for the completion of said first section, said company shall thereupon forfeit all right, title, and interest, legal and equitable, in and to all of said lands not theretofore carried and patented.

Provided further, That in the event of a failure of the said Railroad Company to pay the second interest accruing upon the bonds, secured as above, within thirty days after the same falls due at the end of any year, then and in such case the contract included in this treaty shall be rescinded and shall be of no binding efficacy upon either party thereto.

Provided further, That no part of said land shall be patented to said Railroad Company until the money price for such part shall have been fully paid therefor.

And provided, That this treaty shall not go into operation and be binding on them until accepted by the Indians thus amended.

Attest:

J. W. FORNEY, *Secretary*.

And whereas WILLIAM P. DOLE, Commissioner of Indian Affairs, was designated by the Executive to present the treaty, as above amended, to the Indians, through their chiefs and head men, for their acceptance, and to take such acceptance, if freely given, with the signatures of said Indian chiefs and head men, and to certify his proceedings therein to the Executive; and the foregoing amendments having been fully interpreted and explained to the chiefs and head men of the Delaware tribe aforesaid, they did thereunto, on the second day of September, one thousand eight hundred and sixty-one, give their free and voluntary assent in the words and figures following, to wit:

We, the undersigned, Chiefs, Councillors, and Headmen of the Delaware tribe of Indians, acting for and on behalf of said tribe, this day in full council assembled, having had read and carefully explained and interpreted to us the within and foregoing treaty or agreement between the United States of America and the Delaware tribe of Indians, concluded on [the] 2d day of July, 1861, together with the within and foregoing amendments thereto, made by the Senate of the United States on the 6th day of August, 1861, do hereby accept and consent to said treaty as so amended.

In witness whereof, we have hereunto set our hands and affixed our seals this 2d day of September, 1861.

JOHN CONNOR, Head Chief,	his x mark.	[L. s.]
NE-CON-HE-CON, Chief of the Wolf Band,	his x mark.	[L. s.]
SAR-COX-IE, Chief of the Turtle Band,	his x mark.	[L. s.]
JAMES CONNOR, Delegate,	his x mark.	[L. s.]
CHARLES JOURNEYCAKE,		[L. s.]

Signed and sealed in presence of—

ISAAC GOLMARKE, *U. S. Int.*
 F. JOHNSON.
 H. B. BRANCH, }
 W. G. COFFIN, } (As to Sar-cox-ie.)

I hereby certify that the foregoing treaty or agreement between the United States and the Delaware tribe of Indians, concluded on the 2d day of July, 1861, together with the foregoing amendments thereto, made by the Senate of the United States on the 6th day of August, 1861, were read and fully explained by me to said Indians, except Sar-cox-ie, through Isaac Journeycake, the United States interpreter, and to Sar-cox-ie through Charles Journeycake; and that the delegate, chiefs, councillors, and head men above named, on behalf of said tribe, this day, in council assembled, did freely accept and consent to said treaty, together with said amendments, and subscribed their names and affixed their seals thereto in my presence.

Given under my hand this 2d September, 1861.

WM. P. DOLE,
Commissioner Indian Affairs.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth of August, one thousand eight hundred and sixty-one, accept, ratify, and confirm said treaty, with the amendments, as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this fourth day of October, in the year of our Lord one thousand eight hundred and sixty-
 [L. s.] one, and of the independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*



Nov 15, 1861

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

POTTAWATOMIE NATION OF INDIANS.

CONCLUDED NOVEMBER 15, 1861.

RATIFICATION ADVISED, WITH AMENDMENTS, APRIL 15, 1862.

AMENDMENTS ACCEPTED APRIL 17, 1862.

PROCLAIMED APRIL 19, 1862.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at the Pottawatomic Agency, on the Kansas river, in the State of Kansas, on the fifteenth day of November, one thousand eight hundred and sixty-one, between William W. Ross, Commissioner on the part of the United States, and the Chiefs, Braves, and Headmen of the Pottawatomic nation of Indians, on the part of said nation ;

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, by its resolution of the fifteenth day of April, one thousand eight hundred and sixty-two, advise and consent to the ratification of said treaty with certain amendments :

And whereas said nation of Indians did, on the seventeenth day of April, one thousand eight hundred and sixty-two, by a committee composed of Shawque, (Chief,) Topenubbee, (Chief,) We-weh-seh, (Chief,) Me-yeneo, (Chief,) and Shomen, (Brave,) appointed to transact all their national business between them and the agent of the United States and the Indian Department, and by Jos. N. Bourassa, George L. Young, B. H. Bertrand, M. B. Beaubien, L. H. Ogce, John Tipton, and Lewis View, in the presence of Clark W. Thompson, (Superintendent of Indian Affairs for the Northern Superintendency,) Lewis S. Hayden, John B. Gordon, and Elisha Goddard, give their free and voluntary assent to the amendments made by the Senate in the resolution aforesaid ; which treaty, as amended by the Senate and assented to by said committee and others, is word for word as follows :

Articles of a treaty made and concluded at the agency on the Kansas river, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-one, by and between Wm. W. Ross, commissioner on the part of the United States, and the undersigned chiefs, braves, and headmen of the Pottawatomie nation, on behalf of said nation.

ARTICLE 1st. The Pottawatomie tribe of Indians believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of five hundred and seventy-six thousand acres, which was acquired by them for the sum of \$87,000, by the 4th article of the treaty between the United States and the said Pottawatomies, proclaimed by the President of the United States on the 23d day of July, 1846, and to allot lands in severalty to those of said tribe who have adopted the customs of the whites and desire to have separate tracts assigned to them, and to assign a portion of said reserve to those of the tribe who prefer to hold their lands in common: it is therefore agreed by the parties hereto that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, the expense whereof shall be paid out of the sales of lands hereinafter provided for, and the quantity of land hereinafter provided to be set apart to those of the tribe who desire to take their lands in severalty, and the quantity hereinafter provided to be set apart for the rest of the tribe in common; and the remainder of the land, after the special reservation hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

ARTICLE 2d. It shall be the duty of the agent of the United States for said tribe to take an accurate census of all the members of the tribe, and to classify them in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common, designating chiefs and headmen, respectively; each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind. And

thereupon there shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief at the signing of the treaty, one section; to each headman, one half section; to each other head of a family, one quarter section; and to each other person eighty acres of land; to include, in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned, respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee or leased or otherwise disposed of only to the United States, or to persons then being members of the Pottawatomie tribe and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the person to whom they are issued shall be deemed to have relinquished all right to any portion of the lands assigned to others in severalty, or to a portion of the tribe in common, and to the proceeds of sale of the same whensoever made.

ARTICLE 3d. At any time hereafter when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provisions of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons, cause the lands severally held by them to be con-

veyed to them by patent in fee simple, with power of alienation; and may at the same time, cause to be paid to them, in cash or in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty; and on such patents being issued and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: *Provided*, That, before making any such application to the President, they shall appear in open court in the district court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and shall also make proof to the satisfaction of said court that they are sufficiently intelligent and prudent to control their affairs and interests, that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

ARTICLE 4th. To those members of said tribe who desire to hold their lands in common there shall be set apart an undivided quantity sufficient to allow one section to each chief, one half section to each headman, and one hundred and sixty acres to each other head of a family, and eighty acres of land to each other person, and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the treaty of 1846. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to the lands assigned in severalty and in the proceeds of sales thereof whenever made.

ARTICLE 5th. The Pottawatomies believing that the construction of the Leavenworth, Pawnee, and Western railroad from Leavenworth City to the western boundary of the former reserve of the Delawares is now rendered reasonably certain, and being desirous to have said railroad extended through their reserve, in the direction of Fort Riley, so that the value of the lands retained by them may be enhanced, and the means afforded them of getting the surplus product of their farms to market, it is provided that the Leavenworth, Pawnee, and Western Railroad Company shall have the privilege of buying the remainder of their lands within six months after the tracts herein otherwise disposed of shall have been selected and set apart, provided they purchase the whole of such surplus lands at the rate of one dollar and twenty-five cents per acre.

And if said company make such purchase it shall be subject to the considerations following, to wit: They shall construct and fully equip a good and efficient railroad from Leavenworth City to a point half way between the western boundary of the said former Delaware reserve and the western boundary of the said Pottawatomie reserve, (being the first section of said road,) within six years from the date of such purchase, and shall construct and fully equip such road from said last-named point to the western boundary of said Pottawatomie reserve, (being the second section of said road,) within three years from the date fixed for the completion of said first section; and no patent or patents shall issue to said company or its assigns for any of said lands purchased until the first section of said railroad shall have been completed and equipped, and then for not more than half of said lands, and no patent or patents shall issue to said company or its assigns for any of the remaining portion of said lands until said second section of said railroad shall have been completed and equipped as aforesaid; and before any patents shall issue for any part of said

lands payment shall be made for the lands to be patented at the rate of one dollar and twenty-five cents per acre; and said company shall pay the whole amount of the purchase money for said lands in gold or silver coin, to the Secretary of the Interior of the United States, in trust for said Pottawatomie Indians, within nine years from the date of such purchase, and shall also in like manner pay to the Secretary of the Interior of the United States, in trust as aforesaid, each and every year, until the whole purchase money shall have been paid, interest from date of purchase, at six per cent. per annum, on all the purchase money remaining unpaid.

And if said company shall fail to complete either section of such railroad in a good and efficient manner, or shall fail to pay the whole of the purchase money for said land within the times above prescribed, or shall fail to pay all or any part of the interest upon said purchase money each year as aforesaid within thirty days from the date when such payment of interest shall fall due, then the contract or purchase shall be deemed and held absolutely null and void, and shall cease to be binding on either of the parties thereto, and said company and its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been before the date of such forfeiture earned and patented pursuant to the provisions of this treaty.

And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the land described in such patent, except so much as shall be necessary for the working of the road, within five years from the issuing of such patent.

And said company shall have the perpetual right of way over the lands of the Pottawatomies not sold to it for the construction and operation of said railroad, not exceeding one hundred feet in width,

and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of said road, making compensation for any damages to improvements done in obtaining such material, and for any damages arising from the location or running of said road to improvements made before the road is located. Such damages and compensation, in cases where said company and the persons whose improvements are injured or property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with six per cent. interest thereon from the date when the same shall have been ascertained and demanded.

And in case said company shall not purchase said surplus lands, or, having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than one dollar and twenty-five cents per acre, and shall sell the same, in quantities not exceeding one hundred and sixty acres, at auction to the highest bidder for cash, at not less than such appraised value.

ARTICLE 6th. There shall be selected by the Commissioner of Indian Affairs three hundred and twenty acres of land, including the church, school-houses, and fields of the St. Mary's Catholic Mission, but not including the buildings and enclosures occupied and used by persons other than those connected with the mission, without the consent of such persons, which shall be conveyed by the Secretary of the Interior to John F. Diel, John Summaker, and M. Gorillain, as trustees for the use of the society under whose patronage and control the church and school have been conducted within the last fourteen years; on condition, however, that, so long as the Pottawatomie

nation shall continue to occupy its present reservation, or any portion thereof, the said land shall be used and its products devoted exclusively to the maintenance of a school and church for their benefit. And there shall be reserved and conveyed in like manner, and upon like conditions, three hundred and twenty acres of land, including the Baptist mission buildings and enclosures, such conveyances to be made to such persons as may be designated by the Baptist Board of Missions.

ARTICLE 9th. [7th.] By article eight of the treaty of June 5th, 1846, between the United States and the Pottawatomie Indians, it is stipulated "that the annual interest of their improvement fund shall be paid out promptly and fully for their benefit at their new homes. If, however, at any time thereafter, the President of the United States shall be of opinion that it would be advantageous to the Pottawatomie nation, and they should request the same to be done, to pay them the interest of said money in lieu of the employment of persons, or the purchase of implements or machines, he is hereby authorized to pay the same, or any part thereof, in money, as their annuities are paid, at the time of the general payment of annuities."

It is hereby agreed that the interest arising from said improvement fund shall, in all cases hereafter, be paid in such machines and implements as will be useful to the people in their agricultural pursuits, as long as the nation shall desire it to be done, except that the shops, and mechanics, and physicians, now sustained by the funds of the nation, shall continue to be maintained, as at this time, for one year after this treaty shall have been ratified.

ARTICLE 10th. [8th.] If at any time hereafter any band or bands of the Pottawatomie nation shall desire to remove from the homes provided for them in this treaty, it shall be the duty of the Secretary of the Interior to have their proportionate part of the lands which may be assigned to the tribe appraised and sold, and invest such portion of the proceeds thereof as may be necessary in the purchase of a new home for such band or bands, leaving the remainder, should any remain after paying the expense of their removal, to be invested in six per cent. bonds of the United States, for the benefit of such band or bands. Such band or bands so removed shall continue to receive their proportion of the annuities of the tribe.

ARTICLE 11th. [9th.] No provision of this treaty shall be so construed as to invalidate any claim heretofore preferred by the Pottawatomies against the United States arising out of previous treaties.

ARTICLE 13th. [10th.] It is hereby agreed that the Commissioner of Indian Affairs shall set apart, for the benefit of said allottees, their equal pro rata share of the improvement fund of the tribe, which sum so set apart may be expended in whole or in part by the said Commissioner, and under his direction, for agricultural purposes, as he shall from time to time deem expedient and for the welfare of the said Indians.

ARTICLE 14th. [11th.] Should the Senate reject or amend any of the above articles, such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified by the Senate and approved by the President.

WM. W. ROSS,

Commissioner on behalf of United States.

Shaw-guee, (chief,)	his x mark.	A. B. Burnett.	
We-we-say, (chief,)	his x mark.	N-wa-kto, (brave,)	his x mark.
Jos. Lafromboise, (chief,)	his x mark.	Wah-bea-shkuk,	his x mark.
Mu-zhe, (chief,)	his x mark.	Sho-nim, (brave,)	his x mark.
Mkome-da, (chief,)	his x mark.	Pauce-je-yah, (chief,)	his x mark.
Myean-ko, (speaker,)	his x mark.	Ka-pshkuh-wid, (brave,)	his x mark.

Muis-no-ogih-mah,	his x mark.	Mko-nuih,	his x mark.
Ka-me-gas,	his x mark.	Oketch-gum-me,	his x mark.
Mo-zo-ba-net,	his x mark.	We-zos,	his x mark.
Wah-sah-to, (chief,)	his x mark.	A-sah-sahng-gah,	his x mark.
Shaw-we, (chief,)	his x mark.	Buck,	his x mark.
Bourie,	his x mark.	M. B. Beaubien.	
Nah-neam-nuk-shkuk,	his x mark.	L. H. Ogee.	
Pa-mah-me,	his x mark.	Lewis View,	his x mark.
Kah-dot,	his x mark.	B. H. Bertrand.	
Mink,	his x mark.	Shop-kuk, (speaker,)	his x mark.
Peter the Great,	his x mark.	George Fortier,	his x mark.
M-tom-ma, (brave,)	his x mark.	Odah-wahs,	his x mark.
Za-kto,	his x mark.	Little American,	his x mark.
Ain-na-by-ah,	his x mark.	Puk-ke,	his x mark.
Wah-sha,	his x mark.	Nah-ge-zhick,	his x mark.
White,	his x mark.	Oketch-gum-me,	his x mark.
Wah-nuk-ke,	his x mark.	Je-gueah-kyah,	his x mark.
Bah-be-jmah,	his x mark.	Bapt. LeClere,	his x mark.
Onak-sa, (second,)	his x mark.	Leon Bertrand,	his x mark.
Nom-mah-kshkuk,	his x mark.	Bzug-nah,	his x mark.
Thomas Evans.		Beau-mo,	his x mark.
Peter Moose,	his x mark.	Kc-yo-kum,	his x mark.
Jas. Levia,	his x mark.	Muk-kose,	his x mark.
Tquah-ket,	his x mark.	Wa-me-go,	his x mark.
Wahs-meg-guca,	his x mark.	Ka-beame-sa,	his x mark.
Pame-bo-go,	his x mark.	Onak-sa,	his x mark.
A-yea-nah-be,	his x mark.	Frank Bourbonnie,	his x mark.
Nah-duca,	his x mark.	Bescue Bourbonnie,	his x mark.
Nau-wah-ga,	his x mark.	Eli G. Nadeau.	
Pahs-kah-we,	his x mark.	Charles Vien.	
Wahb-na-mid,	his x mark.	To-to-qua,	her x mark.
Moz-wa-nwah,	his x mark.	Messah,	her x mark.
Thos. L. McKenney.		Otter-woman,	her x mark.
Za-gah-knuk,	his x mark.	Mary Jutions,	her x mark.
Che-gueah-mkuk-go (brave,)	his x mark.	Pnah-zuea,	her x mark.
Ain-waish-ke,	his x mark.	Louis Blackbird,	his x mark.
Msquah-mke,	his x mark.	Jos. N. Bourassa, <i>U. S. Inter r.</i>	

Signed in presence of—

L. R. PALMER.
S. M. FERGUSON.
C. N. GRAY.
JOHN D. LUSBY.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, having seen the aforesaid amendments of the Senate, and the assent thereto of the said committee and others of the Pottawatonic nation of Indians, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the fifteenth day of April, one

thousand eight hundred and sixty-two, accept, ratify, and confirm said treaty, with the amendments as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, having signed the same with my hand.

Done at the city of Washington, this nineteenth day of April, in the year of our Lord one thousand eight hundred and sixty-
[L. S.] two, and of the Independence of the United States the eighty-sixth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

KANSAS TRIBE OF INDIANS.

CONCLUDED MARCH 13, 1862.

RATIFICATION ADVISED, WITH AMENDMENT, FEB. 6, 1863.

AMENDMENT ACCEPTED FEBRUARY 26, 1863.

PROCLAIMED MARCH 16, 1863.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a Treaty was made and concluded at the Kansas Agency, in the State of Kansas, on the thirteenth day of March, in the year of our Lord eighteen hundred and sixty-two, by and between H. W. Farnsworth, Commissioner on the part of the United States, and the hereinafter named Chiefs and Headmen of the Kansas Tribe of Indians, representing said Indians and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Whereas a treaty was made and concluded at the Kansas Agency in the then Territory but now State of Kansas, on the fifth day of October, A. D. 1859, by and between Alfred B. Greenwood, Commissioner, on the part of the United States, and the Chiefs and Headmen representing the Kansas Tribe of Indians, and authorized by said Tribe for that purpose; which treaty, after having been submitted to the Senate of the United States for its constitutional action thereon, was duly accepted, ratified, and confirmed by the President of the United States on the seventeenth day of November, A. D. 1860, with an amendment to the fourth article thereof, which amendment, first proposed and made by the Senate on the twenty-seventh day of June, A. D. 1860, was afterwards agreed to and ratified by the aforesaid Chiefs and Headmen of the Kansas Tribe of Indians on the fourth day of October of the same year:

Now, therefore, it is further agreed and concluded on this thirteenth day of March, A. D. 1862, by and between H. W. Farnsworth, a Commissioner on the part of the United States, and the said Kansas Tribe of Indians, by their authorized representatives, the Chiefs and Headmen thereof, to wit:

ARTICLE 1st. That the said treaty and the amendment thereof be further amended so as to provide that a fair and reasonable value of the improvements made by persons who settled on the diminished reserve of said Kansas Indians between the second day of December,

A. D. 1856, and the fifth day of October, A. D. 1859, shall be ascertained by the Secretary of the Interior, and certificates of indebtedness by said tribe shall be issued by him to each of such persons for an amount equal to the appraisement of his or her improve-

ments, as aforesaid; and that like certificates shall be issued to the class of persons who settled on said diminished reservation prior to the second day of December, A. D. 1856, for the amounts of the respective claims as provided for and ascertained under the provisions of the amendment of said treaty; and that like certificates be issued to the owners of the same for the amounts of claims which have been examined and approved by the agent and superintendent, and revised and confirmed by the Secretary of the Interior, under the provisions of the 5th article of said treaty, and that all such certificates shall be receivable as cash, to the amount for which they may be issued, in payment for lands purchased or entered on that part of the first assigned reservation outside of said diminished reservation, or of any part of the diminished reservation that may hereafter be offered for

sale, or may be redeemed and paid out of the proceeds of sales of lands when such proceeds have not theretofore been made applicable to other purposes named in said treaty.

ARTICLE 2nd. The Kansas Tribe of Indians, being desirous of making a suitable expression of the obligations the said tribe are under to Thomas S. Huffaker for the many services rendered by said Huffaker as missionary, teacher, and friendly counsellor of said tribe of Indians, hereby authorize and request the Secretary of the Interior to convey to the said Thomas S. Huffaker the half section of land on which he has resided, and improved, and cultivated since the year A. D. 1851, it being the south half of section eleven, (11.) in township numbered sixteen (16) south, range numbered eight (8) east, of the sixth principal meridian, Kansas.

In testimony whereof, the said H. W. Farnsworth, Commissioner as aforesaid, and the said Chiefs and Headmen of the Kansas Tribe of Indians have hereunto set their hands and seals, at the Kansas Agency, in the State of Kansas, on the said thirteenth day of March, in the year of our Lord one thousand eight hundred and sixty-two.

In presence of—

T. S. HUFFAKER.

A. G. BARNETT.

EDWARD WOLCOTT.

A. N. BLOCKIDGE.

JOSEPH JAMES, his x mark.

H. W. FARNSWORTH,

ISH TAH LES ICE,

NO PA WY.

NE HU GAH IN KA.

KAU HE GA WAH TI IN GA,

WAK SHUN GE A.

ALLE GAH WAH HO,

CAH KE GES CHA,

E. B. SUN GAH.

KE BAH LAH HE.

WAH HAH NAH SHA,

KAH HE GAH WAH CHEHHE,

WAH PAH GAH,

WAH TI IN GAH,

PAH HAH NAH GAH LE.

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

his x mark. [seal.]

SHUN GAH WAH SA,	his x mark.	[seal.]
KE WAH LES IS,	his x mark.	[seal.]
KE AH HAH WAH CU,	his x mark.	[seal.]
KAH HE GAH SHE,	his x mark.	[seal.]
O ME SIA,	his x mark.	[seal.]
WY E LAH IN GAH,	his x mark.	[seal.]
LES YA,	his x mark.	[seal.]
KE HAH GA CHA WAH GO,	his x mark.	[seal.]
WAH HO BEC CA,	his x mark.	[seal.]

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of February, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution, and with an amendment in the words and figures following, to wit:

IN THE SENATE OF THE UNITED STATES,

February 6th, 1863.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty concluded at the Kansas Agency, March 13th, 1862, between H. W. Farnsworth, United States Commissioner, and the Chiefs and Headmen of the Kansas Tribe of Indians, with the following amendments, viz:

No. 1. In Article 1, at the end of line 14th, insert "not exceeding in the aggregate the sum of fifteen thousand dollars."

No. 2. In Article 1, after the word "treaty," in line 22d, insert "not exceeding in the aggregate the sum of fourteen thousand four hundred and twenty-one dollars."

No. 3. In Article 1, after the word "treaty," in the 29th line, insert "not exceeding in the aggregate the sum of thirty-six thousand three hundred and ninety-four dollars and forty-seven cents."

No. 4. In Article 1, after the word "reservation," in line 34th, strike out all to the end of the article, being these words: "or of any part of the diminished reservation that may hereafter be offered for sale, or may be redeemed and paid out of the proceeds of sales of lands when such proceeds have not theretofore been made applicable to other purposes named in said treaty."

No. 5. In Article 2, after the word "Kansas," in the 16th line, add "on the payment by said Huffaker of the appraised value of said lands, at a rate not less than one dollar and seventy-five cents per acre."

Attest:

J. W. FORNEY, *Secretary*.

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter named Chiefs and Headmen of the Kansas Tribe of Indians, they did, on the twenty-sixth day of February, eighteen hundred and sixty-three, at the Kansas Agency, in the State of Kansas, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendment having been fully interpreted and explained to us, the undersigned, Chiefs and Headmen of the Kansas Tribe of Indians, we do hereby agree to and ratify the same.

Done at Kansas Agency, this 26th day of February, A. D. eighteen hundred and sixty-three.

Signed in the presence of—

H. W. FARNSWORTH, *U. S. Indian Agent.*

JOSEPH JAMES, *U. S. Interpreter*, his x mark.

JOSEPH DUNLAP, *witness to signature of Interpreter.*

CHRISTOPHER MOONEY.

THOMAS C. HILL.

NO PA WY,	his x mark.	[seal.]
KAI HE GAH WA TI IN KA,	his x mark.	[seal.]
KAI HE GAH SHIN GAH.	his x mark.	[seal.]
E BE SUNGAH.	his x mark.	[seal.]
O GOR SHE NOR SHA,	his x mark.	[seal.]
WAH PAH GAI,	his x mark.	[seal.]
KE WAH LEZHE,	his x mark.	[seal.]
PAH DU CA GOLLE,	his x mark.	[seal.]
MO SHE TUMVIA,	his x mark.	[seal.]
WI E LON GE,	his x mark.	[seal.]
MO SHON NO PUSSA,	his x mark.	[seal.]
HO YUH NE KA,	his x mark.	[seal.]
WY A HOG GY,	his x mark.	[seal.]
UTS AH GAH BA.	his x mark.	[seal.]
SAH YA,	his x mark.	[seal.]
GE NO IN GA,	his x mark.	[seal.]
MEHO JE,	his x mark.	[seal.]
MAH KU SA BA.	his x mark.	[seal.]
ME O TUM WA,	his x mark.	[seal.]
TAH SE HAH,	his x mark.	[seal.]

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixth day of February, eighteen hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof, I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

Done at the city of Washington, this sixteenth day of March, in the year
[SEAL.] of our Lord eighteen hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

OTTAWA INDIANS OF BLANCHARD'S FORK AND ROCHE DE BOEUF.

CONCLUDED JUNE 24, 1862.

RATIFICATION ADVISED, WITH AMENDMENT, JULY 16, 1862.

AMENDMENT ACCEPTED JULY 19, 1862.

PROCLAIMED JULY 28, 1862.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-fourth day of June, in the year of our Lord eighteen hundred and sixty-two, by and between William P. Dole, Commissioner, on the part of the United States, and the hereinafter named Chief and Councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and Roche de Bœuf, now in Franklin county, in the State of Kansas, being duly authorized by said bands, which treaty is in the words and figures following:

Articles of agreement and convention, made and concluded at Washington city, on the 24th day of June, eighteen hundred and sixty-two, by and between William P. Dole, Commissioner, on the part of the United States, and the following named Chief and Councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Bœuf, now in Franklin county, Kansas, viz: Pem-ach-wung, Chief; John T. Jones, William Hurr, and James Wind, Councilmen, they being thereto duly authorized by said tribe.

The Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Bœuf, having become sufficiently advanced in civilization, and being desirous of becoming citizens of the United States, it is hereby agreed and stipulated that their organization, and their relations with the United States, as an Indian tribe, shall be dissolved and terminated at the expiration of five years from the ratification of this treaty; and from and after that time the said Ottawas, and each and every one of them, shall be deemed and declared to be citizens of the United States, to all in-

terests and purposes, and shall be entitled to all the rights, privileges, and immunities of such citizens, and shall, in all respects, be subject to the laws of the United States, and of the State or States thereof in which they may reside: *Provided, further*, That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions

hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at \$1 25 per acre; but this article shall not deprive the said Jones of any of the pecuniary benefits of this treaty as an Ottawa Indian.

ART. 2ND.

It is hereby made the duty of the Secretary of the Interior to cause a survey of the reservation of the said Ottawas to be made as soon as practicable after the ratification of this treaty, dividing it into 80-acre tracts, with marked stones set at each corner; and said Ottawas having already caused their reservation to be surveyed, and quarter section stones set, it is hereby stipulated that such survey shall be adopted, in so far as it shall be found correct.

ART. 3RD.

It being the wish of said tribe of Ottawas to remunerate several of the chiefs, councilmen, and headmen of the tribe, for their services to them many years without pay, it is hereby stipulated that five sections of land is reserved and set apart for that purpose, to be apportioned among the said chiefs, councilmen, and headmen as the members of the tribes shall in full council determine; and it shall be the duty of the Secretary of the Interior to issue patents, in fee simple, of said lands, when located and apportioned, to said Indians. In addition thereto, said last-named persons, and each and every head of a family in said tribe, shall receive 160 acres of land, which shall include his or her house and all improvements, so far as practicable; and all other members of the tribe shall receive 80 acres of land each, and all the locations for the heads of families,

made in accordance with this treaty, shall be made adjoining, and in as regular and compact form as possible, and with due regard to the rights of each individual and of the whole tribe.

ART. 4TH.

To enable said tribe to establish themselves more fully in agriculture, and gradually to increase their preparations for assuming the responsibilities and duties of citizenship, it is stipulated that, subject to the limitations hereinafter mentioned, the sum of eighteen thousand (\$18,000) dollars shall be paid to said tribe in the manner of annuities, out of their moneys now in the hands of the United States, in September, 1862, and subject to the limitations of this treaty. There shall be paid to them in four equal annual payments thereafter, as near as may be, all the moneys which the United States hold, or may hold, in anywise for them, with accruing interest on all moneys remaining with the United States.

ART. 5TH.

It being the desire of the tribe to pay all lawful and just debts against them contracted since they were removed to Kansas, it is agreed that such demands as the council of the tribe and the agent shall approve, when confirmed by the Secretary of the Interior, may be received in payment for the lands hereinafter provided to be sold, or otherwise such debts shall be paid out of the funds of said Ottawas, but in no case shall more than \$15,000 be allowed and paid for such debts.

ART. 6TH.

The Ottawas deeming this a favorable opportunity to provide for the education of their posterity, and feeling that they are able to do so by the co-operation of the United States, now, in pursuance of this desire of the Ottawas, after the selections and allotments herein provided

have been made, there shall be set apart, under the direction of the Secretary of the Interior, twenty thousand acres of average lands for the purpose of endowing a school for the benefit of said Ottawas; also one section of land, upon which said school shall be located, which section of land shall be inalienable, and upon which, and all the appurtenances and property for school purposes thereon, no tax shall ever be laid by any authority whatever.

Five thousand acres of said land may be sold by the trustees hereinafter named, the proceeds of which may be devoted to the erection of proper buildings and improvements upon said section for reception of the pupils; and the residue of the school lands may, in like manner, be sold from time to time, as full prices can be obtained for the same. The money received therefor shall be loaned upon good real estate security, to be improved farms in the county of the reservation, the same not to be a security for more than half the appraised value of the land as returned by the county assessor, and no land to be taken as security for such loan or loans which shall be encumbered in any manner, or the title to which shall have been derived from or held by any judicial, administrator, or executor's sale, or by the sale of any person acting in a fiduciary capacity. The security shall never be avoided on account of any rate of interest reserved, and the interest only shall be applied to the support of the school, so that the principal sum shall never be diminished.

And to the end that the Ottawas may derive the greatest advantage from said school, the pupils shall be instructed and practiced in industrial pursuits suitable to their age and sex, as well as in such branches of learning as the means of the institution and the capacity of the pupils will permit.

The lands hereby set apart shall not be subject to taxation until they are sold. They may be sold upon such

credit as the trustees may think most for the interest of the enterprise. Security for the payment shall be taken with interest, the interest to be paid annually; but no title shall be made until the purchase-money is all paid.

John T. Jones, James Wind, William Hurr, Joseph King, who are Ottawas, and John G. Pratt, and two other citizens of Kansas, who shall be elected by the said Ottawa Indians, are, by the parties agreed, to be trustees to manage the funds and property by this article set apart. They and their successors shall have the control and management of the school, and the funds arising from the sales of lands set apart therefor, and also the reserved section whereon the school is situated. Upon the death, resignation, or refusal to act, by either of them, the vacancy shall be filled by the survivors, provided that the board of trustees shall always have three white citizens members of said board.

A majority of the trustees shall form a quorum to transact business, but there shall be two of the white trustees present at the transaction of business. All acts of the trustees shall be recorded in a book or books to be by them kept for that purpose, and the proceedings of each meeting shall be signed by the president, to be by them elected out of their number. They shall also elect a treasurer and secretary from their number. All contracts of the trustees shall be in the name of their treasurer, who shall be competent to sue and be sued in all matters affecting the trust; he shall give bond conditioned for the faithful discharge of his duty, and the proper accounting for all money or property of the trust coming to his hands, with at least two good freehold sureties, in the penalty of ten thousand dollars, to be approved by a judge of a court of record in Kansas.

And the secretary and treasurer may be allowed, from time to time, such sum, from the proceeds of the trust, as the

trustees in their judgment shall think just. Upon a sale of any of the lands by the trustees, upon their request, the same shall be conveyed by the United States, by patent, to the purchaser.

And it is hereby expressly provided and agreed that the children of the Ottawas and their descendants, no matter where they may emigrate, shall have the right to enter said school and enjoy all the privileges thereof, the same as though they had remained upon the lands by this treaty allotted.

ART. 7TH.

There shall be set apart ten acres of land for the benefit of the Ottawa Baptist church, and said land shall include the church buildings, mission house, and grave-yard, and the title to said property shall be vested in a board of five trustees, to be appointed by said church, in accordance with the laws of the State of Kansas.

And in respect for the memory of Rev. J. Meeker, deceased, who labored with unselfish zeal for nearly 20 years among said Ottawas, greatly to their spiritual and temporal welfare, it is stipulated that 80 acres of good land shall be and hereby is given, in fee simple, to each of the two children of said Meeker, viz: Emmeline and Eliza; their lands to be selected and located as the other allotments herein provided are to be selected and located, which lands shall be inalienable the same as the lands allotted to the Ottawas.

And all the above-mentioned selections of lands shall be made by the agent of the tribe, under the direction of the Secretary of the Interior. And plats and records of all the selections and locations shall be made, and upon their completion and approval proper patents by the United States shall be issued to each individual member of the tribe and person entitled for the lands selected and allotted to them, in which it shall be stipulated that no Indian, except as

herein provided, to whom the same may be issued, shall alienate or encumber the land allotted to him or her in any manner, until they shall, by the terms of this treaty, become a citizen of the United States; and any conveyance or encumbrance of said lands, done or suffered, except as aforesaid, by any Ottawa Indian, of the lands allotted to him or her, made before they shall become a citizen, shall be null and void.

And forty acres, including the houses and improvements of the allottee, shall be inalienable during the natural lifetime of the party receiving the title; provided, that such of said Indians as are not under legal disabilities by the local laws may sell to each other such portions of their lands as are subject to sale, with the consent of the Secretary of the Interior, at any time.

ART. 8TH.

That upon the ratification of this treaty a census of all the Ottawas entitled to land or money under the treaty shall be taken under the direction of the Secretary of the Interior.

The principal to be paid to the minors shall be paid to their parents, unless the council of the tribe shall object because of the incompetency of the parent, growing out of ignorance, profligacy, or any other good cause; the council may also object to the payment of the money to any such incompetent which may be coming to himself or herself; and in all such cases the principal sum shall be withheld, and only the annuity paid, until such minor comes of age, or the disability is removed by the action of the council: *Provided, further*, That the money of minors may in all cases be paid to guardians appointed by the local laws.

ART. 9TH.

It being the desire of the said Ottawas, in making this treaty, to insure, as far

as possible, the settlement of their reservation by industrious whites, whose example shall be of benefit to the tribe at large, it is stipulated that after all the above-mentioned locations, assignments, and sales are made, the remainder of the land shall be sold to actual settlers at not less than \$1 25 per acre, in the following manner: Any white person desiring to obtain any unsold unlocated tract of the land, may file his proposition, in writing, with the agent of the Ottawas, for the purchase of the tract, stating the price which he proposes to pay for said tract, not less than \$1 25 per acre, a copy of which proposition, as well as all others herein contemplated, shall be posted for thirty days, dating from the first posting at the agency, in some conspicuous place; and if no person will propose a better price therefor within thirty days next after the first posting, in which further proposition the first person may join, he, or such other person as shall have offered the best price, shall, upon the payment of one-quarter of the price offered, be taken and deemed the purchaser of said tract, and shall be entitled to a patent therefor from the United States at the end of one year, if he shall pay the remainder of the price offered, have occupied the land, and placed lasting and valuable improvements upon said tract to the extent and value of two hundred dollars to each quarter section entered: *Provided*, That if said Ottawas, by their council, shall, at any time before any person shall become the purchaser of any tract of land, file their protest in writing against such purchaser, he shall not be permitted to enter upon said lands or become the purchaser thereof, and white persons not purchasers shall not be permitted to settle upon said lands, it being the duty of the agent to prevent such settlement, or their occupancy by the whites who are not purchasers, and only to the extent of their purchase: *And provided, further*, That if any purchaser

shall fail to pay for the land by him purchased under this treaty at the time stipulated, it shall be the duty of the agent to dispossess him as an intruder upon the lands, and his advances, payments, and all his improvements shall enure to the benefit of the Ottawas, and the land shall be sold for their benefit, as herein provided. But no person under this article shall be entitled to enter more than 320 acres.

And all the lands which are not thus entered with the agent within two years from the ratification of this treaty may, upon the request of the council, be offered for sale at not less than \$1 25 per acre, upon a credit of one year, under the direction of the Secretary of the Interior; and if any lands thereafter remain unsold, they may be sold upon such terms as the council of said tribe and the Secretary of the Interior shall mutually agree upon. And all the moneys derived from the sales of the above-described lands shall be paid at the time and place where the Secretary of the Interior may direct.

ART. 10TH.

And it is stipulated that the United States shall pay to the said Ottawas the claims for stolen ponies, cattle, and timber, already reported and approved by the Secretary of the Interior, amounting to \$13,005 $\frac{2}{3}$. And also other claims for damages within two years, or since the taking of testimony for the above-mentioned damages, upon the presentation of sufficient proof: *Provided*, Such last-mentioned claims shall not exceed \$3,500.

ART. 11TH.

It is hereby made the duty of the Indian department to appoint an interpreter for said tribe, in the customary manner, to be continued during the pleasure of the Secretary of the Interior. And it is expressly understood that all expenses incurred by the stipu-

lations of this treaty shall be paid out of the funds of the aforementioned tribe of Ottawas, and their annuities shall be paid semi-annually.

In testimony whereof, the said Wm. P. Dole, Commissioner, as aforesaid, and

the undersigned Chief and Councilmen of the United Bands of Blanchard's Fork and of Roche de Boeuf, in Franklin county, Kansas, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

WM. P. DÓLE, *Commissioner*. [SEAL.]

PEM-ACH-WUNG, his x mark. [SEAL.]

JOHN T. JONES. [SEAL.]

WILLIAM HURR. [SEAL.]

JAMES WIND. [SEAL.]

Interpreted by John T. Jones, and signed by the respective parties in presence of—

CLINTON C. HUTCHINSON, *Indian Agent*.

CHARLES E. MIX.

ANTOINE GOKEY, his x mark, *United States Interpreter*.

AND WHEREAS the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of July, one thousand eight hundred and sixty-two, advise and consent to the ratification of the same by a resolution, and with an amendment, in the words and figures following, to wit :

IN SENATE OF THE UNITED STATES, *July 16th, 1862.*

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention, made and concluded at Washington city on the twenty-fourth day of June, eighteen hundred and sixty-two, by and between William P. Dole, Commissioner, on the part of the United States, and the following named Chief and Councilmen of the Ottawa Indians of the United Bands of Blanchard's Fork and of Roche de Boeuf, now in Franklin county, Kansas, viz: Pem ach-wung, Chief; John T. Jones, William Hurr, and James Wind, Councilmen, they being thereto duly authorized by said tribe, with the following

AMENDMENT:

Strike out from the first article the following proviso:

"*Provided, further*, That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at one dollar and twenty-five cents per acre; but this article shall not deprive the said Jones of any of the pecuniary benefit of this treaty as an Ottawa Indian."

Attest:

J. W. FORNEY, *Secretary*,

By W. HICKEY, *Chief Clerk*.

AND WHEREAS the foregoing amendment having been fully interpreted and explained to the aforesaid Chief and Councilmen of the Ottawa Indians, they did, on the nineteenth day of July, one thousand eight hundred and sixty-two, at Washington city, in the District of Columbia, agree to and ratify the same, in the words and figures following, to wit :

Whereas the Senate of the United States did, on the 16th day of July, A. D. 1862, advise and consent to the ratification of the "articles" of agreement and convention, made and concluded at Washington city on the twenty-fourth day of June, eighteen hundred and sixty-two, between William P. Dole, Commissioner, on the part of the United States, and certain Chief and Councilmen representing the Ottawa tribe of Indians, with the following

AMENDMENT, VIZ :

Strike out from the first article the following proviso :

"*Provided, further, That John T. Jones, now a member of the Ottawas, being an educated and experienced man withal, having given many evidences of devotion and loyalty to the government of the United States, he is, at his request and that of the Ottawas, hereby declared to be a citizen of the United States, exempt from the restrictions hereinafter provided, concerning the purchase, alienation, or encumbrance of the Ottawa lands; and after all the selections and allotments herein provided for are made, he is hereby authorized to locate and purchase of the Secretary of the Interior any of the remaining lands of said Ottawas at one dollar and twenty-five cents per acre; but this article shall not deprive the said Jones of any of the pecuniary benefit of this treaty as an Ottawa Indian.*"

We, the undersigned chief and councilmen, representing the Ottawa tribe of Indians, having heard the foregoing amendment read, and the same having been fully explained to us by our interpreter, do hereby agree to and ratify the same.

PEM-ACH-WUNG, his x mark.	[SEAL.]
J. T. JONES.	[SEAL.]
WILLIAM HURR.	[SEAL.]
JAMES WIND.	[SEAL.]

Interpreted by John T. Jones, and signed by the respective parties in presence of—

CLINTON C. HUTCHINSON, *U. S. Ind. Agt.*
WM. P. DOLE.
CHARLES E. MIX.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the sixteenth day of July, eighteen

hundred and sixty-two, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

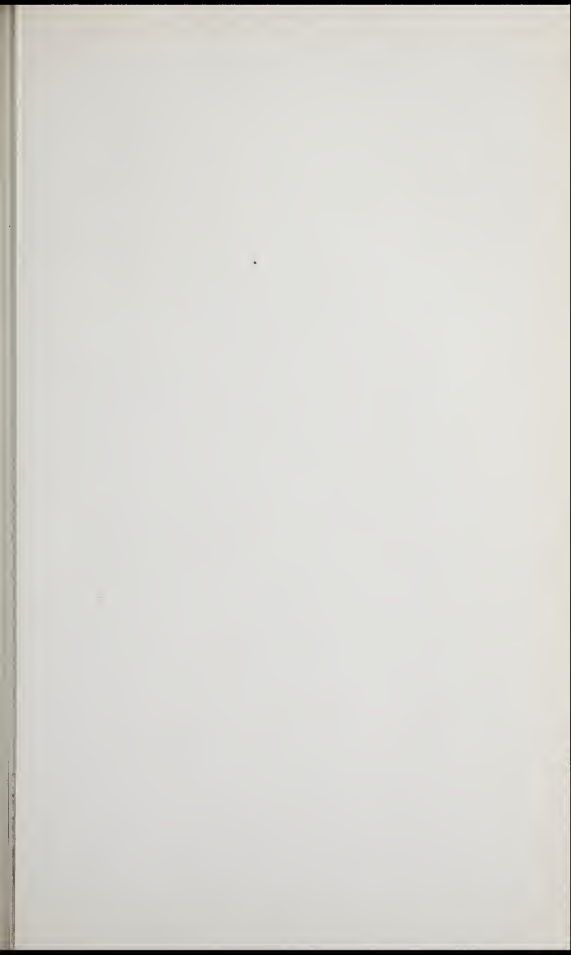
In testimony whereof, I have caused the seal of the United States to be hereunto affixed, having signed the same with my hand.

Done at the city of Washington, this twenty-eighth day of July, in the year of our Lord eighteen hundred and sixty-two, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*





TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

KICKAPOO TRIBE OF INDIANS.

CONCLUDED JUNE 28, 1862.

RATIFICATION ADVISED, WITH AMENDMENT, BY SENATE, MARCH 13, 1863

AMENDMENT ACCEPTED MAY 5, 1863.

PROCLAIMED MAY 28, 1863.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME. GREETING:

WHEREAS a treaty was made and concluded at the Agency of the Kickapoo Tribe of Indians, on the twenty-eighth day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Delegates of the Kickapoo Indians, for and on behalf of said Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded at the Agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty-two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the undersigned Chiefs, Headmen, and Delegates of the Kickapoo nation, on behalf of said nation.

ARTICLE 1st. The Kickapoo Tribe of Indians, believing that it will contribute to the civilization of their people to dispose of a portion of their present reservation in Kansas, consisting of one hundred and fifty thousand acres of land, to allot land in severalty to those members of said tribe who desire to have separate tracts of lands, and have adopted the customs of the whites, and to set apart for the others of said tribe a portion of said reservation, to be held by them in common, or (if a majority of them so elect) provide for them a suitable home elsewhere, to be held by them in common, it is therefore hereby agreed that the Commissioner of Indian Affairs shall cause the whole of said reservation to be surveyed in the same manner as the public lands are surveyed, and the quantity of land hereinafter mentioned to be set apart to those of said tribe who desire to have their land in severalty; and, if so elected by a majority of the others of said tribe, the quantity of land hereinafter mentioned to be by such others held in common, and the remainder of the land, after the special reservations hereinafter provided for shall have been made, to be sold for the benefit of said tribe.

ART. 2. It shall be the duty of the agent of the United States for said tribe to take an accurate census of all the members of the tribe, and to classify them

in separate lists, showing the names, ages, and numbers of those desiring lands in severalty, and of those desiring lands in common, designating chiefs and heads of families respectively; each adult choosing for himself or herself, and each head of a family for the minor children of such family, and the agent for orphans and persons of an unsound mind and otherwise incompetent, as to which of these classes they will belong. And thereupon shall be assigned, under the direction of the Commissioner of Indian Affairs, to each chief, at the signing of the treaty, one half section; to each other head of a family, one quarter section; and to each other person, forty acres of land; to include in every case, as far as practicable, to each family, their improvements and a reasonable portion of timber, to be selected according to the legal subdivision of survey. When such assignments shall have been completed, certificates shall be issued by the Commissioner of Indian Affairs for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of only to the United States, or to persons then being members of the Kickapoo tribe, and of Indian blood, with the permission of the President, and under such rules and regulations as the Secretary of the Interior shall provide, except as may be hereinafter provided. And on receipt of such certificates, the persons to whom they are issued shall be deemed to have relinquished all right to any portion of the lands assigned to others in severalty, or to a portion of the tribe in common, and to the proceeds of sale of the same whensoever made.

ART. 3. At any time hereafter, when the President of the United States shall have become satisfied that any adults, being males and heads of families, who may be allottees under the provision of the foregoing article, are sufficiently intelligent and prudent to control their affairs and interests, he may, at the requests of such persons, cause the land severally held by them to be conveyed to them by patent in fee simple, with power of alienation; and may, at the same time, cause to be paid to them, in cash, or in the bonds of the United States, their proportion of the cash value of the credits of the tribe, principal and interest, then held in trust by the United States, and also, as the same may be received, their proportion of the proceeds of the sale of lands under the provisions of this treaty. And on such patents being issued, and such payments ordered to be made by the President, such competent persons shall cease to be members of said tribe, and shall become citizens of the United States; and thereafter the lands so patented to them shall be subject to levy, taxation, and sale, in like manner with the property of other citizens: *Provided*, That, before making any such application to the President, they shall appear in open court, in the district court of the United States for the district of Kansas, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens; and shall also make proof, to the satisfaction of said court, that they are sufficiently intelligent and prudent to control their affairs and interests; that they have adopted the habits of civilized life, and have been able to support, for at least five years, themselves and families.

ART. 4. To those members of said tribe who desire to hold their lands in common, there shall be set apart from the present reservation of the tribe an undivided quantity, sufficient to allow one half section to each chief, one quarter section to each other head of a family, and forty acres to each other person; and said land shall be held by that portion of the tribe for whom it is set apart by the same tenure as the whole reserve has been held by all of said tribe under the treaty of

1854. And upon such land being assigned in common, the persons to whom it is assigned shall be held to have relinquished all title to lands assigned in severalty, and in the proceeds of sales thereof whenever made; or should a majority of the adult males of said class decide to remove to the Indian country south of Kansas, then, and in that case, their new home shall not be limited to the quantity above designated, but shall be as large as can be purchased with the proceeds of the sale of the tract to which they would have been entitled had they determined to remain upon the present reservation, computing the same at the rate of at least one dollar and twenty-five cents per acre: *Provided*, That the purchase of such new home shall be made by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, and at such locality within said Indian country as he may select: *And provided, also*, That such new home shall be purchased and the Indians entitled removed thereto, at the cost of the United States, within the period of two years after the completion of the surveys herein provided for. And such Indians shall be entitled to the benefits of their full proportionate share of all assets belonging to said tribe, in the same manner that they would have been entitled had such removal not been made.

ART. 5. The Kickapoo tribe of Indians, entertaining the opinion that it is the desire of the government and the people of the United States to extend railroad communication as far west as possible in the shortest possible time, and believing that it will greatly enhance the value of their lands reserved in severalty by having a railroad built, connecting with the eastern railroads running from the city of Atchison, in the State of Kansas, westerly in the direction of the gold mines in Colorado Territory; and entertaining the opinion that the Atchison and Pike's Peak Railroad Company, incorporated by an act of the legislative assembly of the Territory of Kansas, approved Feb'y 11th, 1859, has advantages for travel and transportation over all other companies, it is therefore provided that the Atchison and Pike's Peak Railroad Company shall have the privilege of buying the remainder of their land within six months after the tracts herein otherwise disposed of shall have been selected and set apart, provided said railroad company purchase the whole of such surplus lands at the rate of one dollar and twenty-five cents per acre; and when the selections shall have been made and assigned as aforesaid, it shall be the duty of the Commissioner of Indian Affairs to notify the president of said railroad company thereof, and if said railroad company signifies its consent to purchase said surplus lands, the Secretary of the Interior shall issue to said railroad company certificates of purchase, and such certificates shall be deemed and held in all courts as evidence of title and possession in said railroad company to all or any part of said lands, unless the same shall be forfeited as hereinafter provided. And if said railroad company make such purchase, it shall be subject to the following considerations, viz: They shall construct and fully equip a good and efficient railroad from the city of Atchison, in the State of Kansas, westerly, within six years, and as follows: The first section of fifteen miles of said road to be completed within three years from the date of said purchase, and the second section to a point as far west as the western boundary of said reservation within three years thereafter; and no patent or patents shall issue to said company or its assigns for any portion of said lands until the first section of said road shall be completed, and then for not more than one half of said lands; and no patent or patents shall issue to said company or its assigns for any of the remaining portion of said lands until said second section of said railroad shall be completed as aforesaid; and before any patents shall issue for any part of said lands, payments shall be made for the lands to be patented at the rate of one dollar and twenty-five cents pr. acre.

And said company shall pay the whole amount of the purchase money for said lands in the securities of the United States to the Secretary of the Interior, in trust for said Kickapoo Tribe of Indians, within six years from the date of such purchase; and when so paid the President is authorized hereby to issue patents therefor. Said company shall, in like manner, pay to the Secretary of the Interior, in trust as aforesaid, each and every year, until the whole purchase money shall have been paid, interest from date of purchase, at six pr. cent. pr. annum, on all the purchase money remaining unpaid. Said interest, and the interest due on the purchase money after it is paid to the United States, shall be held in trust and paid to said Indians on the first day of April of each and every year; and in ten years from the ratification of this treaty there shall be paid by the United States to said tribe of Indians ten thousand dollars, as their first instalment upon the amount of said purchase money, and ten thousand dollars each and every year thereafter until all is paid.

ART. 6. In case said railroad company shall fail to complete either section of said railroad in a good and efficient manner, or shall fail to pay the whole of the purchase money for said lands within the time herein prescribed, or shall fail to pay all or any part of the interest upon the same, each year as aforesaid, within thirty days from the date when such payment of interest shall fall due, then the contract or purchase shall be deemed and held absolutely null and void, and shall cease to be binding on either of the parties hereto, and said company or its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been before the date of such forfeiture earned and paid for pursuant to the provisions of this treaty. And whenever any patent shall issue to said railroad company for any part of said lands, it shall contain the condition that the said company shall sell the lands described in such patent, except so much as shall be necessary for the working of the road, within five years from the issuing of such patent, and said company shall have the perpetual right of way over the lands of the Kickapoos not sold to it for the construction and operation of said railroad, not exceeding one hundred feet in width, and the right to enter on said lands and take and use such gravel, stone, earth, water, and other material, except timber, as may be necessary for the construction and operation of the said road, making compensation for any damages to improvements caused by obtaining such material, and for any damages arising from the location or running of said road, to improvements made before the road was located; such damages and compensation, in cases where said company and the persons whose improvements are injured or the property taken cannot agree, to be ascertained and adjusted under the direction of the Commissioner of Indian Affairs. And in case said company shall not promptly pay the amount of such damages and compensation, the Secretary of the Interior may withhold patents for any part of the lands purchased by them until payment be made of the amount of such damages, with six pr. ct. interest thereon from the date when the same shall have been ascertained and demanded; and in case said company shall not purchase said surplus lands, or having purchased, shall forfeit the whole or any part thereof, the Secretary of the Interior shall thereupon cause the same to be appraised at not less than one dollar and twenty-five cents pr. acre, and shall sell the same in quantities not exceeding one hundred and sixty acres at auction, to the highest bidder for cash, at not less than appraised value: *Provided, however,* In case any of said lands have been conveyed to bona fide purchasers by said railroad company, such purchasers shall be entitled to a patent

for said lands so purchased by them on payment of one dollar and twenty-five cents pr. acre therefor, under such rules and regulations as may be prescribed by the Secretary of the Interior. On the purchase of said lands by the said railroad company the same shall become a part of the State of Kansas, but none of said lands shall be subject to taxation until the patents have been issued therefor.

ART. 7. The Kickapoos having heretofore negotiated treaties with the United States containing various stipulations in their behalf, which they claim have not been fully complied with, it is hereby provided that a correct statement of the amount that was agreed to be paid by any and all treaty stipulations, of all the treaties heretofore made, and also of all amounts received by said tribe by virtue of such treaty stipulations, shall be made under the direction of the Commissioner of Indian Affairs; and in case any amount shall be found due or unpaid to said Indians, the same, together with all annuities which have not heretofore been kept up and paid, shall now be paid up in full to said tribe, together with all the interest thereupon.

ART. 8. For the purpose of comfortably establishing the Kickapoo Tribe of Indians upon the lands to be assigned to them in severalty, the agent of said tribe, upon the ratification of this treaty, shall cause to be erected for each head of a family a suitable dwelling-house, to be paid for out of the first moneys due said Indians, and not otherwise appropriated.

ART. 9. It is hereby agreed that the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall appoint a commissioner whose duty it shall be to ascertain the amount of losses sustained by said Kickapoo nation by reason of the destruction of their timber, and the stealing of their horses, cattle, and other property by the whites and hostile Indians, and said amount, when so ascertained, shall be paid as follows, viz: the amount of losses sustained by the destruction of their timber shall be invested in the purchase and erection of a steam saw and grist mill, provided said sum shall not amount to more than eight thousand dollars; the residue, if any, shall be invested in six per cent. United States or State bonds and added to the fund now held in trust by the United States for said tribe; and to each member of said tribe shall be paid, in gold or silver, the amount he or she may have lost by reason of the stealing of horses, cattle, and other property: *Provided*, That said amounts shall not, altogether, exceed fifty thousand dollars. And if a larger sum shall be claimed and proved up, the amount shall be paid pro rata, and shall be in full of all demands arising from such causes.

ART. 10. Whereas some years since a portion of the Kickapoos went down among the Southern Indians, and there is reason to believe that but few, if any, of them will ever return, and they having been notified of the provisions of this treaty, it is hereby agreed that they shall receive no benefits arising therefrom, unless they return to the present reservation of the Kickapoos within six months from the date of this instrument, in which case it is hereby agreed that forty acres each be allotted to them, with the understanding that they will occupy, improve, and cultivate the same, and in every respect to be governed by the same rules and regulations as is prescribed for the government of the lands reserved by the preceding articles.

ART. 11. There shall be reserved six hundred and forty acres of land to be selected by the chiefs of said tribe of Kickapoos as a site for a saw and grist mill, three hundred and twenty acres where the mission-house now is, and one hundred and sixty acres where the house built for the agency now is, which, with the improvements thereupon, shall be disposed of when the objects for which they

have been reserved shall have been accomplished, in such a manner and for such purposes as the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos.

ART. 12. The fund now held in trust by the United States for said tribe of Indians for educational purposes shall be invested in six per cent. United States or State bonds, and the interest thereof expended annually, under the direction of the Commissioner of Indian Affairs, for agricultural, school, and other beneficial purposes for said Indians.

ART. 13. Inasmuch as it was provided by the treaty between the United States and said Kickapoos, entered into on the 18th day of May, A. D. 1854, that the President may cause to be surveyed, in the same manner that the public lands are surveyed, the reservation provided for the Kickapoos, it is agreed that the expense of said surveys shall be paid by the United States, and all expenses incident to the negotiation and execution of this treaty, and not otherwise provided for, shall be defrayed by the Kickapoos; the same to be deducted from any funds applicable to that purpose now or hereafter held for them in trust by the United States; and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for, in order to the full execution of all and every part of this treaty.

ART. 14. It is further agreed that all rights, title, and interest of the Kickapoos in their present reservation shall cease, and the same is hereby ceded to and vested in the United States, subject to the limitations and for the purposes herein expressed and provided for.

ART. 15. Any stipulation in former treaties inconsistent with those embraced in the foregoing articles shall be of no force or effect.

ART. 16. Should the Senate reject or amend any of the foregoing articles, such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified and approved.

In testimony whereof, the said Charles B. Keith, Commissioner as aforesaid, and the undersigned Chiefs, Headmen, and Delegates of the Kickapoo Tribe of Indians, have hereunto set their hands and seals, at the place, on the day and in the year hereinbefore written.

CHARLES B. KEITH, [SEAL]

Commissioner on behalf of the United States.

CHIEF PAR-THEE, or the Elk Chief,	his x mark.	[Seal.]
CHIEF PAH-KAH-KAH, or John Kennekuk,	his x mark.	[Seal.]
CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder,	his x mark.	[Seal.]
KEN-NE-KUK, or Stephen Pen-sion-eau,	his x mark.	[Seal.]
MAH-MAH-SHE-COW-AH, or Bear Traek,	her x mark.	[Seal.]
PET-TI-QUAUK, or Rolling Thunder,	his x mark.	[Seal.]
JOHN C. ANDERSON,		[Seal.]
TOTH-WAY, or Frank Cadue,	his x mark.	[Seal.]

Executed in presence of—

JOHN E. BADGER.

H. C. PUSEL.

NELSON S. SHALER.

PASCHALL PENSIONEAU, his x mark. *U. S. Interpreter.*

W. D. BARNETT, witness to signature of Paschall Pensioneau.

And whereas, the foregoing treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of March, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by resolution, and with an amendment in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

March 13th, 1863.

Resolved, (two thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a treaty made and concluded at the Agency of the Kickapoo Tribe of Indians, on the 28th day of June, in the year of our Lord one thousand eight hundred and sixty two, by and between Charles B. Keith, Commissioner, on the part of the United States, and the undersigned Chiefs, Headmen, and Delegates of the Kickapoo nation, on behalf of said nation," with the following

AMENDMENTS:

- Article 1, line 15, after "the" strike out "Commissioner of Indian Affairs," and insert in lieu thereof: *Secretary of the Interior.*
- Article 2, lines 1 and 2, strike out "Agent of the United States for said tribe to take," and insert in lieu thereof: *Secretary of the Interior to cause to be made.*
- Article 3, lines 12, 13, and 14, strike out the following: "paid to them, in cash or in the bonds of the United States," and insert in lieu thereof: *set apart and placed to their credit severally.*
- Article 4, line 39, strike out the words "at the cost of the United States." At the end of article 4 insert: *deducting therefrom the necessary expenses of their removal.*
- Article 5, line 34, after the word "lands" insert: *within sixty days thereafter, and shall make, execute, and deliver to the Secretary of the Interior the bonds of the said company in a penal sum equal to double the value of said surplus lands as heretofore ascertained, with the condition that the said bonds shall become void whenever the said company shall comply with the conditions of the treaty.*
- " " line 39, strike out "title and" and insert: *the right of.*
- Article 6, line 11, strike out "shall" and insert: *may.*
- " " lines 12, 13, and 14, strike out the words "and shall cease to be binding on either of the parties hereto," and insert: *if the Secretary of the Interior shall so determine.*
- " " line 57, after the word "same" insert: *not including improvements.*
- " " line 72, after "payment" strike out "of" and insert: *to the United States in trust for said Kickapoos of the appraised value thereof (exclusive of their improvements) and not less than.*
- Strike out Article 7.
- Strike out Article 8.
- Strike out Article 9.
- Article 10, lines 11 and 12, strike out "six months from the date of this instrument," and insert in lieu thereof: *one year from the ratification of this treaty.*

Article 11, lines 13, 14, and 15, strike out "the Secretary of the Interior shall determine to be just and equitable for the benefit of the Kickapoos," and insert in lieu thereof: *may be provided by law.*

Strike out Article 12.

Article 13. line 7, after "United States" insert: *out of the proceeds of the sales of said lands.*

" " lines 12, 13, 14, 15, 16, and 17, strike out the following words: "and the Commissioner of Indian Affairs, with the concurrence of the Secretary of the Interior, shall, from time to time, and as promptly as practicable, adopt such measures and institute all such proceedings as may be necessary and not otherwise provided for in order to the full execution of all and every part of this treaty."

Attest:

J. W. FORNEY, *Secretary.*

And whereas the foregoing amendment having been fully interpreted and explained to the hereinafter named Chiefs, Headmen, and Delegates of the Kickapoo Tribe of Indians, they did, on the fifth day of May, one thousand eight hundred and sixty-three, give their free and voluntary assent to the same, in the words and figures following, to wit:

And whereas the foregoing amendments have been submitted and fully interpreted to the undersigned, Chiefs, Delegates, and Headmen of the Kickapoo nation, and we, being thereunto duly authorized, do hereby, for and on behalf of said nation, agree to and ratify the said treaty and the amendments thereto as above set forth.

In testimony whereof, we have hereunto set our hands and seals this fifth day of May, A. D. 1863.

CHIEF PAR-THEE, or the Elk,	his x mark.	[Seal.]
CHIEF PAH-KAH-KAH, or John Kennekuk,	his x mark.	[Seal.]
CHIEF MACK-A-TAIR-CHEE-QUA, or Black Thunder,	his x mark.	[Seal.]
PET-TI-QUAUK, or Rolling Thunder,	his x mark.	[Seal.]
KEN-NE-KUK, or Stephen Pension-eau,	his x mark.	[Seal.]
MAH-MAH-SHE-COW-AH, or Bear Track,	her x mark.	[Seal.]
JOHN C. ANDERSON,		[Seal.]

Executed in presence of—

JOHN E. BADGER.

N. S. SHALER.

WILLIAM FOSTER.

PASCHALL PENSIONEAU, his x mark, *U. S. Interpreter.*

H. C. PURSEL, *witness to signature of Paschall Pensioneau.*

I hereby certify that the foregoing treaty between the United States and the Kickapoo Tribe of Indians, concluded on the 28th day of June, 1862, together with the foregoing amendments thereto made by the Senate of the United States on the 13th day of March, 1863, were read and fully explained by me to said Indians through Paschall Pensioneau, the United States Interpreter, and that the Chiefs, Headmen, and Delegates above named, on behalf of said tribe, this day in council assembled, did freely accept and consent to said treaty, together with

said amendments, and subscribe their names and affixed their seals thereto in my presence.

Given under my hand this 5th day of May, A. D. 1863.

CHARLES B. KEITH, *U. S. Indian Agent.*

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirteenth of March, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendment as aforesaid.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-eighth day of May, in the [L. S.] year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

F. W. SEWARD,

Acting Secretary of State



18

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIPPEWAS OF THE MISSISSIPPI AND THE PILLAGER
AND LAKE WINIBIGOSHISH BANDS OF CHIP-
PEWA INDIANS IN MINNESOTA.

CONCLUDED MARCH 11, 1863.

RATIFICATION ADVISED, WITH AMENDMENTS BY SENATE, MARCH 13, 1863.

AMENDMENTS ACCEPTED MARCH 14, 1863.

PROCLAIMED MARCH 19, 1863.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS a treaty was made and concluded at the city of Washington, in the District of Columbia, on the eleventh day of March, in the year of our Lord one thousand eight hundred and sixty-three, by and between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs of the Northern Superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, and the hereinafter named Chiefs and Headmen, for and on behalf of the Chippewas of the Mississippi and the Pillager and Lake Winibigoshish Bands of Chippewa Indians in Minnesota, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of agreement and convention, made and concluded at the city of Washington, this eleventh day of March, A. D. one thousand eight hundred and sixty-three, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs of the Northern Superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, for and on behalf of the Chippewas of the Mississippi and the Pillager and Lake Winibigoshish Bands of Chippewa Indians in Minnesota:

ARTICLE I. The reservations known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake, and Rice Lake, as described in the second clause of the second article of the treaty with the Chippewas of the 22nd February, 1855, are hereby ceded to the United States, excepting one half section of land, including the mission buildings at Gull Lake, which is hereby granted in fee simple to the Reverend John Johnson, missionary.

ARTICLE II. In consideration of the foregoing cession, the United States agree to set apart for the future homes of the Chippewas of the Mississippi, all the lands embraced within the following described boundaries, excepting the reservations made and described in the third clause of the second article of the said treaty of February 22nd, 1855, for the Pillager and Lake Winibigoshish Bands; that is to say, beginning at a point one mile south of the most southerly point of

Leech Lake, and running thence in an easterly course to a point one mile south of the most southerly point of Goose Lake; thence due east to a point due south from the intersection of the Pokagomin reservation and the Mississippi river; thence on the dividing line between "Deer River and Lakes" and "Mashkorden's River and Lakes," until a point is reached north of the first named river and lakes; thence in a direct line northwestwardly to the outlet of "Two-Routes Lake;" thence in a southwesterly direction to the northwest corner of the "Cass Lake" reservation; thence in a southwesterly direction to "Karbekaun" river; thence down said river to the lake of the same name; thence due south to a point due west from the beginning; thence to the place of beginning.

ARTICLE III. In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree: 1st, to extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties; 2nd, and to pay toward the settlement of the claims for depredations committed by said Indians in 1862, the sum of thirty thousand dollars; 3rd, to enable said Indians to pay their present just engagements, the sum of thirty thousand dollars, as the chiefs in council may direct; 4th, to the chiefs of the Chippewas of the Mississippi, sixteen thousand dollars, (provided they shall pay to the chiefs of the Pillager and Lake Winibigoshish bands one thousand dollars,) to be paid upon the signing of this treaty, out of the arrearages due under the 9th article of the treaty concluded at La Pointe, in the State of Wisconsin, on the 30th September, 1854; 5th, and to pay the expenses incurred by the Legislature of the State of Minnesota, in the month of September, 1862, in sending Commissioners to

visit the Chippewa Indians, amounting to thirteen hundred and thirty-eight dollars and seventy-five cents.

ARTICLE IV. The United States further agree to clear, stump, grub, and break, in the reservation hereby set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, at such point or points as the chiefs of each band may select, as follows, viz: For the Gull Lake Band, seventy acres; for the Mille Lac Band, seventy acres; for the Sandy Lake Band, fifty acres; for the Pokagomin Band, fifty acres; for the Rabbit Lake Band, forty acres; for the Rice Lake Band, twenty acres; and to build for the chiefs of said bands one house each, of the following description: to be constructed of hewn logs; to be sixteen by twenty feet each, and two stories high; to be roofed with good shaved pine shingles; the floors to be of seasoned pine plank, jointed; stone or brick fireplaces and chimneys; three windows in lower story and two in the upper story, with good substantial shutters to each, and suitable doors; said houses to be pointed with lime mortar.

ARTICLE V. The United States agree to furnish to said Indians, parties to this treaty, ten yoke of good, steady work oxen, and twenty log chains, annually, for ten years, provided the Indians shall take proper care of and make proper use of the same; also, for the same period, annually, two hundred grubbing hoes, ten ploughs, ten grind-stones, one hundred axes, handled, not to exceed in weight three-and-one-half pounds each; twenty spades. Also two carpenters and two blacksmiths, and four farm laborers, and one physician.

ARTICLE VI. The United States further agree to remove the saw-mill from Gull Lake reservation, to such point on the new reservation hereby set apart as may be selected by the agent, and to keep the same in good running order, and to employ a competent sawyer, so long as the

President of the United States may deem it necessary; and to extend the road between Gull Lake and Leech Lake, from the last named lake to the junction of the Mississippi and Leech Lake rivers; and to remove the agency to said junction, or as near thereto as practicable.

ARTICLE VII. There shall be a board of visitors, to consist of not less than two nor more than five persons, to be selected from such Christian denomination or denominations as the chiefs in council may designate, whose duty it shall be to be present at all annuity payments to the Indians, whether of goods, moneys, provisions, or other articles, and to inspect the fields, buildings, mills, and other improvements, made or to be made, and to report annually thereon on or before the first day of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation; and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses, provided that no one shall be paid in any one year for more than twenty days' service or for more than three hundred miles' travel.

ARTICLE VIII. No person shall be recognised as a chief whose band numbers less than fifty persons; and to encourage and aid the said chiefs in preserving order and inducing by their example and advice the members of their respective bands to adopt the pursuits of civilized life, there shall be paid to each of said chiefs, annually, out of the annuities of said bands, a sum not exceeding one hundred and fifty dollars, to be determined by their agent according to their respective merits.

ARTICLE IX. To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, traders, or their employes, shall be employed, appointed, licensed,

or permitted to reside within the reservations belonging to the Indians, parties to this treaty, missionaries excepted, who shall not have a family residing with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors, and no person of full or mixed blood, educated or partially educated, whose fitness morally or otherwise is not conducive to the welfare of said Indians, shall receive any benefits from this or any former treaties, and may be expelled from the reservation.

ARTICLE X. All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the Secretary of the Interior, until otherwise altered or amended, which shall be done whenever the board of visitors, by the request of the chiefs, may recommend it, provided that no change shall take place oftener than once in two years.

ARTICLE XI. Whenever the services of laborers are required upon the reservation, preference shall be given to full or mixed bloods, if they shall be found competent to perform them.

ARTICLE XII. It shall not be obligatory upon the Indians, parties to this treaty, to remove from their present reservations, until the United States shall have first complied with the stipulations of Articles IV and VI of this treaty, when the United States shall furnish them with all necessary transportation and subsistence to their new homes, and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites.

ARTICLE XIII. Female members of the family of any Government employé residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article

whenever he may deem it expedient to do so.

ARTICLE XIV. It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands.

In testimony whereof, the said William P. Dole and Clark W. Thompson, on behalf of the United States, and Henry M. Rice and the undersigned chiefs and headmen, on behalf of the Indians, parties to this treaty, have hereunto set their hands and affixed their seals this eleventh day of March, A. D. one thousand eight hundred and sixty-three.

WM. P. DOLE,

[Seal.]

Commissioner of Indian Affairs.

CLARK W. THOMPSON,

[Seal.]

Supt. of Indian Affairs for the Northern Superintendency.

HENRY M. RICE.

[Seal.]

Gull Lake Band.

QUI WE SHEN SHISH, or Bad Boy,
WA BO GEEG, or White Fisher,
J. JOHNSON,

his x mrk. [Seal.]

his x mrk. [Seal.]

[Seal.]

Rabbit Lake Band.

ME JAW KE KE SHICK, or Sky that
Touches the Ground,
AH AH JAW WA KE SHICK, Crossing
Sky,
NAW GAW NE GAW BOW, or One
Standing Ahead,

his x mrk. [Seal.]

his x mrk. [Seal.]

his x mrk. [Seal.]

Sandy Lake and Rice Lake Bands.

AW AW BEDWAY WE DUNG, or Re-
turning Echo,

his x mrk. [Seal.]

Po ke ga ma Band.

MA YA JE WAY WE DUNG, or Chorrister,

his x mrk. [Seal.]

Mille Lac Band.

SHOB OSH KUNK, or Passes under every thing,	his x mrk.	[Seal.]
ME NO MIN E KE SHEN, or Rice-maker,	his x mrk.	[Seal.]
PE DUD ENCE, Rat's Liver,	his x mrk.	[Seal.]
TE DAW KAW MO SAY, Walking to and fro,	his x mrk.	[Seal.]
MOSE O MAN NAY, or Moose,	his x mrk.	[Seal.]
WAY SA WA GWON AIB, Yellow Feather,	his x mrk.	[Seal.]
ME NO KE SHICK, or Fine Day,	his x mrk.	[Seal.]

Pillager Band of Leech Lake.

BE SHE KEE, or Buffalo,	his x mrk.	[Seal.]
NAW BON E AUSH, Young Man's Son,	his x mrk.	[Seal.]
O GE MA WAY CHE WAIB, Chief of the Mountain,	his x mrk.	[Seal.]
KE ME WEN AUSH, Raining Wind,	his x mrk.	[Seal.]
KEH BEH NAW GAY, the Winner,	his x mrk.	[Seal.]

Winne pe go shish Band.

KOB MUB BEY, or North Star,	his x mrk.	[Seal.]
MIS CO PE NEN SHEY, Red Bird,	his x mrk.	[Seal.]

Cass Lake Band.

MAW JE KE SHICK, Travelling Sky,	his x mrk.	[Seal.]
MA NE TO KE SHICK, Spirit of the Day,	his x mrk.	[Seal.]
O GEE TUB, The Trader,	his x mrk.	[Seal.]

Executed in presence of—

E. A. C. HATCH,
 GEO. C. WHITING,
 A. S. H. WHITE,
 GEORGE FULLER,
 JAMES WHITEHEAD,
 D. GEO. MORRISON,
 PAUL H. BEAUBIEN, *U. S. Interpreter.*
 PETER ROY, *Interpreter.*
 J. G. MORRISON, *Interpreter.*
 JAMES THOMPSON.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of March, one thousand eight hundred and sixty-three, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

March 13, 1863.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "articles of agreement and convention made and concluded at the city of Washington, the 11th day of March, A. D. one thousand eight hundred and sixty-three, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs of the Northern Superintendency, on the part of the United States, and Henry M. Rice, of Minnesota, for and on behalf of the Chippewas of the Mississippi, and the Pillager and Lake Winnebagoish Bands of Chippewa Indians in Minnesota," with the following

AMENDMENTS.

- Article 3, line 8, strike out "thirty thousand," and insert: *twenty thousand*.
- " " line 9, after the word "dollars" insert: *Or so much thereof as may be necessary, provided that no money shall be paid under this item, except upon claims which have been duly adjudicated and found to be due under existing treaties from said Indians, and allowed by the Secretary of the Interior, or under his direction.*
- " " lines 9, 10, and 11, strike out the following words: "3rd, to enable said Indians to pay their present just engagements, the sum of thirty thousand dollars, as the Chiefs in council may direct."
- Article 4. At the end thereof, insert: *Provided, That the amount expended under this article shall not exceed the sum of three thousand six hundred dollars.*
- Article 5. At the end thereof insert: *Not exceeding, in the aggregate, one thousand dollars.*
- Article 6. At the end thereof insert: *But not more than three thousand dollars shall be expended for this purpose.*
- Article 7. Strike out this article, and in lieu thereof insert the following:
 Article 7. The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend the annuity payments to the Indians, and to inspect the fields and other improvements of the Indians, and to report annually thereon on or before the first of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses: *Provided, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.*
- Article 8, line 10, strike out "their agent," and insert: *the Commissioner of Indian Affairs.*
- Article 9, line 7, strike out the word "family," and insert *lawful wife*.
- " " lines 9, 10, and 11, strike out "whose moral habits and fitness shall be reported upon annually by the board of visitors."
- " " line 16, strike out the words "and may be expelled from the reservation."

Article 10, lines 5, 6, 7, and 8, strike out: "which shall be done whenever the board of visitors, by the request of the chiefs, may recommend it, provided that no change shall take place oftener than once in two years."

" " At the end of article 10, as amended, insert the following: *Provided, That not less than one-half of said annuities shall be paid in necessary clothing, provisions, and other necessary and useful articles.*

Attest:

J. W. FORNEY, *Secretary.*

By W. HICKEY, *Chief Clerk.*

And whereas the foregoing amendments having been fully interpreted and explained to the said Henry M. Rice, Commissioner, and the hereinafter named Chiefs and Headmen of the various bands of Chippewa Indians of the Mississippi, and the Pillagers, parties to the foregoing treaty, they did, on the fourteenth day of March, one thousand eight hundred and sixty-three, at the city of Washington, in the District of Columbia, give their free and voluntary assent to the same, in the words and figures following, to wit:

We, the undersigned, Chiefs and Headmen of the various bands of Chippewa Indians of the Mississippi, and the Pillagers, parties to the foregoing treaty, concluded between the United States and the Chippewas of the Mississippi, on the eleventh day of March, one thousand eight hundred and sixty-three, hereby give our free and voluntary assent to the amendments thereto made by the Senate on the thirteenth day of March, one thousand eight hundred and sixty-three, after having the said amendments fully explained to us.

In testimony whereof we have hereunto subscribed our names and affixed our seals, at the city of Washington, this fourteenth day of March, A. D. one thousand eight hundred and sixty-three.

HENRY M. RICE, <i>Commissioner,</i>		[Seal.]
SHOB OSH KUNK,	his x mrk.	[Seal.]
ME ME NO KE SHIEY,	his x mrk.	[Seal.]
PE DUD TENCE,	his x mrk.	[Seal.]
MOSE O MAW NAY,	his x mrk.	[Seal.]
WEY O SAW WA GON AIB,	his x mrk.	[Seal.]
ME NO KE SHICK,	his x mrk.	[Seal.]
TAY TAW KAW MON SEY,	his x mrk.	[Seal.]

Gull Lake Band.

QUI WE SHEN SHISH,	his x mrk.	[Seal.]
WA BOO GEEG,	his x mrk.	[Seal.]

Rabbit Lake Band.

AW AW JAW WA KE SHICK,	his x mrk.	[Seal.]
ME JAW KE KE SHICK,	his x mrk.	[Seal.]
NAH GAH NE GAW BOW,	his x mrk.	[Seal.]

Sandy Lake Band.

AW AW BED WE WE DUNG,	his x mrk.	[Seal.]
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Poke guma Band.

MAW JE WE WE DUNG,	his x mrk.	[Seal.]
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Leech Lake Band.

BE SHE KEE,	his x mrk.	[Seal.]
NAW BON E AUSH,	his x mrk.	[Seal.]
OGEMA OCHON WAIB,	his x mrk.	[Seal.]
KAY MAY WE NAUSH,	his x mrk.	[Seal.]
KEY BEY NAW GAY,	his x mrk.	[Seal.]

Winne pego shish Band.

KOG MOB BEY,	his x mrk.	[Seal.]
MIS CO PE NEN SHEY,	his x mrk.	[Seal.]

Cass Lake Band.

MAW JE KE SHICK,	his x mrk.	[Seal.]
MAN ETO KE SHICK,	his x mrk.	[Seal.]
O GEE TUB,	his x mrk.	[Seal.]
JOHN JOHNSON,		[Seal.]

Signed in presence of—

D. GEO. MORRISON,
J. G. MORRISON,
PETER ROY,
A. S. H. WHITE.
GEO. C. WHITING,
HARRIET S. TRUMBULL,
FLORENCE BAKER,
SADA BAKER,
SOPHRONIA J. BAKER,
SUSAN GAYLORD,
LYMAN TRUMBULL,
P. M. CLARK.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the thirteenth of March, one thousand eight hundred and sixty-three, accept, ratify, and confirm said treaty, with the amendments as aforesaid.

In testimony whereof I have caused the seal of the United States to be hereto affixed, and have signed the same with my hand.

Done at the city of Washington, this nineteenth day of March, in the [L. s.] year of our Lord one thousand eight hundred and sixty-three, and of the Independence of the United States the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

NEZ PERCÉ TRIBE OF INDIANS.

CONCLUDED JUNE 9, 1863.

RATIFICATION ADVISED, APRIL 17, 1867.

PROCLAIMED APRIL 20, 1867.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Council Ground in the valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-three, by and between Calvin H. Hale, Charles Hutchins, and S. D. Howe, Commissioners, on the part of the United States, and Lawyer, Ute-sin-male-e-cum, Ha-harch-tuesta, and other Chiefs and Headmen of the Nez Percé tribe of Indians on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Treaty between the United States of America and the Nez Percé Indians, concluded at the Council Ground in the Valley of the Lapwai, June ninth, 1863.

Articles of agreement made and concluded at the Council Ground, in the valley of the Lapwai, W. T., on the ninth day of June, one thousand eight hundred and sixty three, between the United States of America, by C. H. Hale, superintendent of Indian Affairs, and Charles Hutchins and S. D. Howe, U. S. Indian agents, for the Territory of Washington, acting on the part and in behalf of the United States, and the Nez Percé Indians, by the chiefs, headmen, and delegates of said tribe, such articles being supplementary and amendatory to the treaty made between the United States and said tribe on the 11th day of June, 1855.

ARTICLE 1ST.

The said Nez Percé tribe agree to relinquish, and do hereby relinquish, to the United States the lands heretofore reserved for the use and occupation of the said tribe, saving and excepting so much thereof as is described in article 2nd, for a new reservation.

ARTICLE 2ND.

The United States agree to reserve for a home, and for the sole use and occupation of said tribe, the tract of land included within the following boundaries, to wit: Commencing at the N. E. corner of Lake Wa-ha, and running thence, northerly, to a point on the north bank of the Clearwater river, three miles below the mouth of the Lapwai, thence down the north bank of the Clearwater to the mouth of the Hatwai creek; thence due north to a point seven miles distant; thence, eastwardly, to a point on the north fork of the Clearwater, seven miles distant from its mouth; thence to a point on Oro Fino Creek, five miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater,

five miles above its mouth; thence to a point on the south fork of the Clearwater, one mile above the bridge, on the road leading to Elk City, (so as to include all the Indian farms now within the forks;) thence in a straight line, westwardly, to the place of beginning.

All of which tract shall be set apart, and the above described boundaries shall be surveyed and marked out for the exclusive use and benefit of said tribe as an Indian reservation, nor shall any white man, excepting those in the employment of the Indian department, be permitted to reside upon the said reservation without permission of the tribe and the superintendent and agent; and the said tribe agrees that so soon after the United States shall make the necessary provision for fulfilling the stipulations of this instrument as they can conveniently arrange their affairs, and not to exceed one year from its ratification, they will vacate the country hereby relinquished, and remove to and settle upon the lands herein reserved for them, (except as may be hereinafter provided.) In the mean time it shall be lawful for them to reside upon any ground now occupied or under cultivation by said Indians at this time, and not included in the reservation above named. And it is provided that any substantial improvement heretofore made by any Indian, such as fields enclosed and cultivated, or houses erected upon the lands hereby relinquished, and which he may be compelled to abandon in consequence of this treaty, shall be valued under the direction of the President of the United States, and payment therefor shall be made in stock or in improvements of an equal value for said Indian upon the lot which may be assigned to him within the bounds of the reservation, as he may choose, and no Indian will be required to abandon the improvements aforesaid, now occupied by him, until said payment or improvement shall have been made. And it is further provided, that if any Indian living on any of the land hereby relinquished should prefer to sell his improvements to any white man, being a loyal citizen of the United States, prior to the same being valued as aforesaid, he shall be allowed so to do, but the sale or transfer of said improvements shall be made in the presence of, and with the consent and approval of the agent or superintendent, by whom a certificate of sale shall be issued to the party purchasing, which shall set forth the amount of the consideration in kind. Before the issue of said certificate, the agent or superintendent shall be satisfied that a valuable consideration is paid, and that the party purchasing is of undoubted loyalty to the United States government. No settlement or claim made upon the improved lands of any Indian will be permitted, except as herein provided, prior to the time specified for their removal. Any sale or transfer thus made shall be in the stead of payment for improvements from the United States.

ARTICLE 3RD.

The President shall, immediately after the ratification of this treaty, cause the boundary lines to be surveyed and properly marked and established, after which, so much of the lands hereby reserved as may be suitable for cultivation shall be surveyed into lots of twenty acres each, and every male person of the tribe who shall have attained the age of twenty-one years, or is the head of a family, shall have the privilege of locating upon one lot as a permanent home for such person, and the lands so surveyed shall be allotted under such rules and regulations as the President shall prescribe, having such reference to their settlement as may secure adjoining each other the location of the different families pertaining to each band, so far as the same may be practicable. Such rules and regulations shall be prescribed by the President, or under his direction, as will insure to the family, in case of the death of the head thereof, the possession and enjoyment of such permanent home, and the improvements thereon. When the assignments as above shall have been completed, certificates shall be issued by

the Commissioner of Indian Affairs, or under his direction, for the tracts assigned in severalty, specifying the names of the individuals to whom they have been assigned respectively, and that said tracts are set apart for the perpetual and exclusive use and benefit of such assignees and their heirs. Until otherwise provided by law, such tracts shall be exempt from levy, taxation, or sale, and shall be alienable in fee, or leased, or otherwise disposed of, only to the United States, or to persons then being members of the Nez Percé tribe, and of Indian blood, with the permission of the President, and under such regulations as the Secretary of the Interior or the Commissioner of Indian Affairs shall prescribe; and if any such person or family shall at any time neglect or refuse to occupy and till a portion of the land so assigned, and on which they have located, or shall rove from place to place, the President may cancel the assignment, and may also withhold from such person or family, their proportion of the annuities or other payments due them, until they shall have returned to such permanent home, and resumed the pursuits of industry; and in default of their return, the tract may be declared abandoned, and thereafter assigned to some other person or family of such tribe. The residue of the land hereby reserved shall be held in common for pasturage for the sole use and benefit of the Indians: *Provided*, however, That from time to time, as members of the tribe may come upon the reservation, or may become of proper age, after the expiration of the time of one year after the ratification of this treaty, as aforesaid, and claim the privileges granted under this article, lots may be assigned from the lands thus held in common, wherever the same may be suitable for cultivation. No State or territorial legislature shall remove the restriction herein provided for, without the consent of Congress, and no State or territorial law to that end shall be deemed valid until the same has been specially submitted to Congress for its approval.

ARTICLE 4TH.

In consideration of the relinquishment herein made the United States agree to pay to the said tribe in addition to the annuities provided by the treaty of June 11th, 1855, and the goods and provisions distributed to them at the time of signing this treaty, the sum of two hundred and sixty-two thousand and five hundred dollars, in manner following, to wit:

First. One hundred and fifty thousand dollars, to enable the Indians to remove and locate upon the reservation, to be expended in the ploughing of land, and the fencing of the several lots, which may be assigned to those individual members of the tribe who will accept the same in accordance with the provisions of the preceding article, which said sum shall be divided into four annual instalments, as follows: For the first year after the ratification of this treaty, seventy thousand dollars; for the second year, forty thousand dollars; for the third year, twenty-five thousand dollars, and for the fourth year, fifteen thousand dollars.

Second. Fifty thousand dollars to be paid the first year after the ratification of this treaty in agricultural implements, to include wagons or carts, harness, and cattle, sheep or other stock, as may be deemed most beneficial by the superintendent of Indian affairs, or agent, after ascertaining the wishes of the Indians in relation thereto.

Third. Ten thousand dollars for the erection of a saw and flouring mill, to be located at Kamia, the same to be erected within one year after the ratification hereof.

Fourth. Fifty thousand dollars for the boarding and clothing of the children who shall attend the schools, in accordance with such rules or regulations as the Commissioner of Indian Affairs may prescribe, providing the schools and boarding-houses with necessary furniture, the purchase of necessary wagons, teams, agricul-

tural implements, tools, &c., for their use, and for the fencing of such lands as may be needed for gardening and farming purposes, for the use and benefit of the schools to be expended as follows: The first year after the ratification of this treaty, six thousand dollars; for the next fourteen years, three thousand dollars each year, and for the succeeding year, being the sixteenth and last instalment, two thousand dollars.

Fifth. A further sum of two thousand five hundred dollars shall be paid within one year after the ratification hereof, to enable the Indians to build two churches, one of which is to be located at some suitable point on the Kamia and the other on the Lapwai.

ARTICLE 5TH.

The United States further agree, that in addition to a head chief the tribe shall elect two subordinate chiefs, who shall assist him in the performance of his public services, and each subordinate chief shall have the same amount of land ploughed and fenced, with comfortable house and necessary furniture, and to whom the same salary shall be paid as is already provided for the head chief in art. 5th of the treaty of June 11th, 1855, the salary to be paid and the houses and land to be occupied during the same period and under like restrictions as therein mentioned.

And for the purpose of enabling the agent to erect said buildings, and to plough and fence the land, as well as to procure the necessary furniture, and to complete and furnish the house, &c., of the head chief, as heretofore provided, there shall be appropriated, to be expended within the first year after the ratification hereof, the sum of two thousand five hundred dollars.

And inasmuch as several of the provisions of said art. 5th of the treaty of June 11th, 1855, pertaining to the erection of school-houses, hospital, shops, necessary buildings for employe[e]s and for the agency, as well as providing the same with necessary furniture, tools, &c., have not yet been complied with, it is hereby stipulated that there shall be appropriated, to be expended for the purposes herein specified during the first year after the ratification hereof, the following sums, to wit:

First. Ten thousand dollars for the erection of the two schools, including boarding-houses and the necessary outbuildings; said schools to be conducted on the manual-labor system as far as practicable.

Second. Twelve hundred dollars for the erection of the hospital, and providing the necessary furniture for the same.

Third. Two thousand dollars for the erection of a blacksmith shop, to be located at Kamia, to aid in the completion of the smith's shop at the agency, and to purchase the necessary tools, iron, steel, &c.; and to keep the same in repair and properly stocked with necessary tools and materials, there shall be appropriated thereafter, for the fifteen years next succeeding, the sum of five hundred dollars each year.

Fourth. Three thousand dollars for erection of houses for employe[e]s, repairs of mills, shops, &c., and providing necessary furniture, tools and materials. For the same purpose, and to procure from year to year the necessary articles—that is to say, saw-logs, nails, glass, hardware, &c.—there shall be appropriated thereafter, for the twelve years next succeeding, the sum of two thousand dollars each year; and for the next three years, one thousand dollars each year.

And it is further agreed that the United States shall employ, in addition to those already mentioned in art. 5 of the treaty of June 11th, 1855, two matrons to take charge of the boarding-schools, two assistant teachers, one farmer, one carpenter, and two millers.

All the expenditures and expenses contemplated in this treaty, and not otherwise provided for, shall be defrayed by the United States.

ARTICLE 6TH.

In consideration of the past services and faithfulness of the Indian chief, Timothy, it is agreed that the United States shall appropriate the sum of six hundred dollars, to aid him in the erection of a house upon the lot of land which may be assigned to him, in accordance with the provisions of the third article of this treaty.

ARTICLE 7TH.

The United States further agree, that the claims of certain members of the Nez Percé tribe against the government for services rendered and for horses furnished by them to the Oregon mounted volunteers, as appears by certificates issued by W. H. Fauntleroy, A. R. Qr. M. and Com. Oregon volunteers, on the 6th of March, 1856, at Camp Cornelius, and amounting to the sum of four thousand six hundred and sixty-five dollars, shall be paid to them in full, in gold coin.

ARTICLE 8TH.

It is also understood that the aforesaid tribe do hereby renew their acknowledgments of dependence upon the government of the United States, their promises of friendship, and other pledges, as set forth in the eighth article of the treaty of June 11th, 1855; and further, that all the provisions of said treaty which are not abrogated, or specifically changed by any article herein contained, shall remain the same to all intents and purposes as formerly—the same obligations resting upon the United States, the same privileges continued to the Indians outside of the reservation, and the same rights secured to citizens of the U. S. as to right of way upon the streams and over the roads which may run through said reservation, as are therein set forth.

But it is further provided that the United States is the only competent authority to declare and establish such necessary roads and highways, and that no other right is intended to be hereby granted to citizens of the United States than the right of way upon or over such roads as may thus be legally established: *Provided, however,* That the roads now usually travelled shall, in the mean time, be taken and deemed as within the meaning of this article until otherwise enacted by act of Congress, or by the authority of the Indian department.

And the said tribe hereby consent that upon the public roads which may run across the reservation there may be established, at such points as shall be necessary for public convenience, hotels or stage stands, of the number and necessity of which the agent or superintendent shall be the sole judge, who shall be competent to license the same, with the privilege of using such amount of land for pasturage and other purposes connected with such establishment as the agent or superintendent shall deem necessary, it being understood that such lands for pasturage are to be enclosed, and the boundaries thereof described in the license.

And it is further understood and agreed that all ferries and bridges within the reservation shall be held and managed for the benefit of said tribe.

Such rules and regulations shall be made by the Commissioner of Indian Affairs with the approval of the Secretary of the Interior, as shall regulate the travel on the highways, the management of the ferries and bridges, the licensing of public houses, and the leasing of lands, as herein provided, so that the rents, profits, and issues thereof shall inure to the benefit of said tribe, and so that the

persons thus licensed, or necessarily employed in any of the above relations, shall be subject to the control of the Indian department, and to the provisions of the act of Congress "to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."

All timber within the bounds of the reservation is exclusively the property of the tribe, excepting that the U. S. government shall be permitted to use thereof for any purpose connected with its affairs, either in carrying out any of the provisions of this treaty, or in the maintaining of its necessary forts or garrisons.

The United States also agree to reserve all springs or fountains not adjacent to, or directly connected with, the streams or rivers within the lands hereby relinquished, and to keep back from settlement or entry so much of the surrounding land as may be necessary to prevent the said springs or fountains being enclosed; and, further, to preserve a perpetual right of way to and from the same, as watering places, for the use in common of both whites and Indians.

ARTICLE 9TH.

Inasmuch as the Indians in council have expressed their desire that Robert Newell should have confirmed to him a piece of land lying between Snake and Clearwater rivers, the same having been given to him on the 9th day of June, 1861, and described in an instrument of writing bearing that date, and signed by several chiefs of the tribe, it is hereby agreed that the said Robert Newell shall receive from the United States a patent for the said tract of land.

ARTICLE 10TH.

This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the President and Senate of the United States.

In testimony whereof the said C. H. Hale, superintendent of Indian affairs, and Charles Hutchins and S. D. Howe, United States Indian agents in the Territory of Washington, and the chiefs, headmen, and delegates of the aforesaid Nez Percé tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CALVIN H. HALE,	[SEAL.]
<i>Supt. Ind. Affairs, Wash. Ter.</i>	
CHAS. HUTCHINS,	[SEAL.]
<i>U. S. Ind. Agent, Wash. Ter.</i>	
S. D. HOWE,	[SEAL.]
<i>U. S. Ind. Agent, Wash. Ter.</i>	
FA-IND-7-1803 LAWYER,	[SEAL.]
<i>Head Chief Nez Percés Nation.</i>	
UTE-SIN-MALE-E CUM,	x [SEAL.]
HA-HARCH-TUESTA,	x [SEAL.]
TIP-ULANIA-TIMECCA,	x [SEAL.]
ES-COATUM,	x [SEAL.]
TIMOTHY,	x [SEAL.]
LEVI,	[SEAL.]
JASON,	x [SEAL.]
IP-SHE-NE-WISH-KIN, (CAPT. JOHN,)	x [SEAL.]
WEPTAS-JUMP-KI,	x [SEAL.]
WE-AS-CUS,	x [SEAL.]
PEP-HOOM-KAN, (NOAH,)	x [SEAL.]

SHIN-MA-SHA-HO-SOOT,	x [SEAL.]
NIE-KI-LIL-MEH-HOOM, (JACOB,)	x [SEAL.]
STOOP-TOOP-NIN,	x [SEAL.]
SU-WE-CUS,	x [SEAL.]
WAL-LA-TA-MANA,	x [SEAL.]
HE-KAIKT-IL-PILP,	x [SEAL.]
WHIS-TAS-KET,	x [SEAL.]
NEUS-NE-KEUN,	x [SEAL.]
KUL-LOU-O-HAIKT,	x [SEAL.]
WOW-EN-AM-ASH-IL-PILP,	x [SEAL.]
KAN-POW-E-EEN,	x [SEAL.]
WATAI-WATAI-WA-HAIKT,	x [SEAL.]
KUP-KUP-PELLIA,	x [SEAL.]
WAP-TAS-TA-MANA,	x [SEAL.]
PEO-PEO-IP-SE-WAT,	x [SEAL.]
LOUIS-IN-HA-CUSH-NIM,	x [SEAL.]
LAM-LIM-SI-LILP-NIM,	x [SEAL.]
TU-KI-LAI KISH,	x [SEAL.]
SAH-KAN-TAI, (EAGLE,)	x [SEAL.]
WE-AH-SE-NAT,	x [SEAL.]
HIN-MIA-TUN-PIN,	x [SEAL.]
MA-HI-A-KIM,	x [SEAL.]
SHOCK-LO-TURN-WA-HAIKT, (JONAH,)	x [SEAL.]
KUNNESS-TAK-MAL,	x [SEAL.]
TU LAT-SY-WAT-KIN,	x [SEAL.]
TUCK-ETU-ET-AS,	x [SEAL.]
NIC-A-LAS IN,	x [SEAL.]
WAS-ATIS-IL-PILP,	x [SEAL.]
WOW-ES-EN-AT-IM,	x [SEAL.]
HIRAM,	x [SEAL.]
HOWLISH-WAMPUM,	x [SEAL.]
WAT-SKA-LEEKs,	x [SEAL.]
WA-LAI-TUS,	x [SEAL.]
KY-E-WEE-PUS,	x [SEAL.]
KO-KO-IL-PILP,	x [SEAL.]
REUBEN, TIP-IA-LA-NA-UY-KALA-TSEKIN,	x [SEAL.]
WISH-LA-NA-KA-NIN,	x [SEAL.]
ME-TAT-UEPTAS, (THREE FEATHERS,)	x [SEAL.]
RAY-KAY-MASS,	x [SEAL.]

Signed and sealed in presence of—

GEORGE F. WHITWORTH, *Secretary*.
JUSTUS STEINBERGER, *Col. U. S. Vols.*
R. F. MALLOY, *Col. Coely, O.V.*
J. S. RINEARSON, *Maj. 1st Cav. Ogn. Vols.*
WILLIAM KAPUS, *1st Lieut. & Adj. 1st W. T. Inf., U.S.V.*
HARRISON OLMSTEAD.
JNO. OWEN, (BITTER ROOT.)
JAMES O'NEILL.
J. B. BAKER, M. D.
GEORGE W. ELBER.
A. A. SPALDING, *Asst. Interpreter*.
PERRIN B. WHITMAN, *Interpreter for the Council.*

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventeenth day of April, one thousand eight hundred and sixty-seven, recede from certain amendments which it had made to the said Treaty on the twenty-sixth day of June, one thousand eight hundred and sixty-six, and did advise and consent to the ratification of the said Treaty as originally concluded, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

April 17, 1867.

Resolved, (two-thirds of the Senators present concurring,) That the Senate recede from its amendments to the treaty between the United States and the Nez Percé Indians concluded at the Council Ground in the valley of Lapwai, June 9, 1863, which amendments were agreed to by the Senate June 26, 1866; and that the Senate do advise and consent to the ratification of the said treaty as concluded June 9, 1863.

Attest:

J. W. FORNEY,

Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the seventeenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this twentieth day of April, in the year of our Lord one thousand eight hundred and sixty-seven, and
[SEAL.] of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

7072-11
29

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

EASTERN BANDS OF SHOSHONEE INDIANS.

CONCLUDED JULY 2, 1863.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 7, 1864.

AMENDMENT ASSENTED TO AUGUST 31, 1865.

PROCLAIMED JUNE 7, 1869.





ULYSSES S. GRANT.

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME. GREETING.

Whereas a Treaty was made and concluded at Fort Bridger, in the Territory of Utah, on the second day of July, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty and Luther Mann, junior, Commissioners, on the part of the United States, and Washakee, Wamapitz, and other Chiefs, Principal Men, and Warriors of the Eastern Bands of Shoshonee Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement made at Fort Bridger, in Utah Territory, this second day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by its Commissioners, and the Shoshonee nation of Indians, represented by its Chiefs and Principal Men and Warriors of the Eastern Bands, as follows:

ARTICLE I.

Friendly and amicable relations are hereby re-established between the bands of the Shoshonee nation, parties hereto, and the United States; and it is declared that a firm and perpetual peace shall be henceforth maintained between the Shoshonee nation and the United States.

ARTICLE II.

The several routes of travel through the Shoshonee country, now or hereafter used by white men, shall be and remain forever free and safe for the use of the government of the United States, and of all emigrants and travellers under its authority and protection, without molestation or injury from any of the people of said nation. And if depredations should at any time be committed by bad men of their nation, the offenders shall be immediately seized and delivered up to the proper officers of the United States, to be punished as their offences shall deserve; and the safety of all travellers passing peaceably over said routes is hereby guaranteed by said nation. Military agricultural settlements and military posts may be established by the President of the United States along said routes; ferries may be maintained over the rivers wherever they may be required; and houses erected and settlements formed at such points as may be necessary for the comfort and convenience of travellers.

ARTICLE III.

The telegraph and overland stage lines having been established and operated through a part of the Shoshonee country, it is expressly agreed that the same may be continued without hindrance, molestation, or injury from the people of said nation; and that their property, and the lives of passengers in the stages, and of the employees of the respective companies, shall be protected by them.

And further, it being understood that provision has been made by the government of the United States for the construction of a railway from the plains west to the Pacific ocean, it is stipulated by said nation that said railway, or its branches, may be located, constructed, and operated, without molestation from them, through any portion of the country claimed by them.

ARTICLE IV.

It is understood the boundaries of the Shoshonoe country, as defined and described by said nation, is [are] as follows:

On the north, by the mountains on the north side of the valley of Shoshonoe or Snake river; on the east, by the Wind River mountains, Peemahpah river, the north fork of Platte or Koo-chin-agah, and the north Park or Buffalo House; and on the south, by Yamah river and the Uintah mountains. The western boundary is left undefined, there being no Shoshonees from that district of country present; but the bands now present claim that their own country is bounded on the west by Salt Lake.

ARTICLE V.

The United States being aware of the inconvenience resulting to the Indians in consequence of the driving away and destruction of game along the routes travelled by whites, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same; therefore, and in consideration of the preceding stipulations, the United States promise and agree to pay to the bands of the Shoshonoe nation, parties hereto, annually for the term of twenty years, the sum of ten thousand dollars, in such articles as the President of the United States may deem suitable to their wants and condition, either as hunters or herdsmen. And the said bands of the Shoshonoe nation hereby acknowledge the reception of the said stipulated annuities, as a full compensation and equivalent for the loss of game, and the rights and privileges hereby conceded.

ARTICLE VI.

The said bands hereby acknowledge that they have received from said Commissioners provisions and clothing amounting to six thousand dollars, as presents, at the conclusion of this Treaty.

Done at Fort Bridger the day and year above written.

JAMES DUANE DOTY,
LUTHER MANN, Jr.,

Commissioners.

WASHAKEE.	his x mark.
WANAPITZ.	his x mark.
TOOPSAPOWET.	his x mark.
PANTOSHIGA.	his x mark.
NINABITZEE.	his x mark.
NARKAWK.	his x mark.
TABOONSHIEA.	his x mark.
WEERANGO.	his x mark.
TOOTSAMP.	his x mark.
WEEAHYCKEE.	his x mark.
BAZILE.	his x mark.

In presence of—

JACK ROBERTSON, *Interpreter.*
SAMUEL DEAN.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

March 7, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement made at Fort Bridger, in Utah Territory, the 2d of July, 1863, between the United States of America, represented by its Commissioners, and the Shoshonee nation of Indians, represented by its Chiefs and Principal Headmen and Warriors of the Eastern Bands, with the following

AMENDMENT:

Add a new article as follows:

Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said Treaty with said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest:

J. W. FORNEY,

Secretary.

By W. J. McDONALD,

Chief Clerk.

And whereas, the foregoing amendment having been fully explained and interpreted to the Chiefs and Principal Men of said Eastern Bands of Shoshonee Indians, whose names are hereinafter subscribed, they did, on the thirty-first day of August, in the year one thousand eight hundred and sixty-five, on behalf of said Indians, together with O. H. Irish, Commissioner, on behalf of the United States, give their free and voluntary assent to said amendment, in the words and figures following, to wit:

Whereas a Treaty of Peace and Friendship was made at Fort Bridger, Utah Territory, on the second day of July, A. D. one thousand eight hundred and sixty-three, by and between the United States of America, represented by James Duane Doty and Luther Mann, jr., Commissioners, and the Chiefs of the Eastern Bands of the Shoshonee Indians, which Treaty was ratified by the Senate of the United States on the seventh day of March, 1864, with the following amendment, viz:

"Article 5th. [VII.] Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within [the] territories described in said Treaty *in* [with] said Tribes or Bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof."

Now, the said amendment having been this thirty-first day of August, A. D. 1865, at a council held with the said Chiefs at Great Salt Lake City, Utah Territory, under the instructions of the President of the United States, submitted to the said Chiefs and Principal Men for their consideration and acceptance, and the same having been read and fully interpreted to them in their own language, the said Chiefs and Principal Men, for themselves and for the said Eastern Bands of the Shoshonee Indians, do hereby agree and consent to the said amendment to the said Treaty, and do stipulate that the same shall be and hereby is accepted and adopted as the *fifth* [seventh] article thereof, and forever binding upon them and their nation.

In witness whereof O. H. Irish, Superintendent of Indian Affairs, Commissioner, on the part of the United States, and the said Chiefs and Principal Men, on the part

of the said Eastern Bands of the Shoshonee Indians, have heretunto subscribed their names this thirty-first day of August, A. D. 1865.

O. H. IRISH,
Supt. Ind. Affairs and Commissioner,

WASHAKEE,	his x mark,
WANAPITZ,	his x mark,
TOOPSAPOWET,	his x mark,
WEERANGO,	his x mark,

Witnesses:

AMOS REED, *Acting Governor of Utah Tg.*

H. C. DOLL, *Clerk of Superintendency.*

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the seventh of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said Treaty, with the amendment as aforesaid.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventh day of June, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

U. S. GRANT,

By the President:

HAMILTON FISH,

Secretary of State.

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

WESTERN BANDS OF SHOSHONEE INDIANS.

CONCLUDED OCTOBER 1, 1863.
RATIFICATION ADVISED, WITH AMENDMENT, JUNE 25, 1866.
AMENDMENT ASSENTED TO JUNE 17, 1869.
PROCLAIMED OCTOBER 21, 1869.





ULYSSES S. GRANT,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME. GREETING:

Whereas a Treaty was made and concluded at Ruby Valley, in the Territory of Nevada, on the first day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between James W. Nye and James Duane Doty, Commissioners, on the part of the United States, and Te-moak, Mo-ho-a, Kirk-weedgwa, To-nag, and other Chiefs, Principal Men, and Warriors of the Western Bands of the Shoshonee Nation of Indians, on the part of said bands of Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Treaty of Peace and Friendship made at Ruby Valley, in the Territory of Nevada, this first day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by the undersigned Commissioners, and the Western Bands of the Shoshonee Nation of Indians, represented by their Chiefs and Principal Men and Warriors, as follows:

ARTICLE I.

Peace and friendship shall be hereafter established and maintained between the Western Bands of the Shoshonee nation and the people and Government of the United States; and the said bands stipulate and agree that hostilities and all depredations upon the emigrant trains, the mail and telegraph lines, and upon the citizens of the United States within their country, shall cease.

ARTICLE II.

The several routes of travel through the Shoshonee country, now or hereafter used by white men, shall be forever free, and unobstructed by the said bands, for the use of the government of the United States, and of all emigrants and travellers under its authority and protection, without molestation or injury from them. And if depredations are at any time committed by bad men of their nation, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences shall deserve; and the safety of all travellers passing peaceably over either of said routes is hereby guaranteed by said bands.

Military posts may be established by the President of the United States along said routes or elsewhere in their country; and station houses may be erected and occupied at such points as may be necessary for the comfort and convenience of travellers or for the mail or telegraph companies.

ARTICLE III.

The telegraph and overland stage lines having been established and operated by companies under the authority of the United States through a part of the Shoshonee country, it is expressly agreed that the same may be continued without hinderance, molestation, or injury from the people of said bands, and that their property and the lives and property of passengers in the stages and of the employees of the respective companies, shall be protected by them. And further, it being understood that provision has been made by the government of the United States for the construction of a railway from the plains west to the Pacific ocean, it is stipulated by said bands that the said railway or its branches may be located, constructed, and operated, and without molestation from them, through any portion of country claimed or occupied by them.

ARTICLE IV.

It is further agreed by the parties hereto, that the Shoshonee country may be explored and prospected for gold and silver, or other minerals; and when mines are discovered, they may be worked, and mining and agricultural settlements formed, and ranches established whenever they may be required. Mills may be erected and timber taken for their use, as also for building or other purposes in any part of the country claimed by said bands.

ARTICLE V.

It is understood that the boundaries of the country claimed and occupied by said bands are defined and described by them as follows:

On the north by Wong-goga-da Mountains and Shoshonee River Valley; on the west by Su-nou-to-yah Mountains or Smith Creek Mountains; on the south by Wi-co-lah and the Colorado Desert; on the east by Po-ho-no-be Valley or Steptoe Valley and Great Salt Lake Valley.

ARTICLE VI.

The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life, which they now lead, and become herdsmen or agriculturalists, he is hereby authorized to make such reservations for their use as he may deem necessary within the country above described; and they do also hereby agree to remove their camps to such reservations as he may indicate, and to reside and remain therein.

ARTICLE VII.

The United States, being aware of the inconvenience resulting to the Indians in consequence of the driving away and destruction of game along the routes travelled by white men, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same; therefore, and in consideration of the preceeding stipulations, and of their faithful observance by the said bands, the United States promise and agree to pay to the said bands of the Shoshonee nation parties hereto, annually for the term of twenty years, the sum of five thousand dollars in such articles, including cattle for herding or other purposes, as the President of the United States shall deem suitable for their wants and condition, either as hunters or herdsmen. And the said bands hereby acknowledge the reception of the said stipulated annuities as a full compensation and equivalent for the loss of game and the rights and privileges hereby conceded.

ARTICLE VIII.

The said bands hereby acknowledge that they have received from said commissioners provisions and clothing amounting to ——— thousand dollars as presents at the conclusion of this treaty.

Done at Ruby Valley the day and year above written.

JAMES W. NYE.
JAMES DUANE DOTY.

TE-MOAK.	his x mark.
MO-HO-A.	his x mark.
KIRK-WEEDGWA.	his x mark.
TO-NAG.	his x mark.
TO-SO-WEE-SO-OP.	his x mark.
SOW-ERE-GAH.	his x mark.
PO-ON-GO-SAH.	his x mark.
PAR-A-WOAT-ZE.	his x mark.
GA-HA-DIER.	his x mark.
KO-RO-KOUT-ZE.	his x mark.
PON-GE-MAIL.	his x mark.
BUCK.	his x mark.

Witnesses :

J. B. MOORE, *Lt. Col. 3d Inf. Cal. Vol.*
JACOB T. LOCKHART, *Indian Agent Nev. Ter.*
HENRY BUTTERFIELD, *Interpreter.*

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of June, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
June 26, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty of peace and friendship made at Ruby Valley, in the Territory of Nevada, the first day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their Commissioners, and the Western Bands of the Shoshonee Nation of Indians, represented by their Chiefs and Principal Men and Warriors, with the following

AMENDMENT:

Fill the blank in the 8th article with the word *five*.

Attest:

J. W. FORNEY,
Secretary.

And whereas, the foregoing amendment having been fully explained and interpreted to the undersigned Chiefs, Principal Men, and Warriors of the Western Bands

of the Shoshonee Nation of Indians, they did, on the seventeenth day of June, one thousand eight hundred and sixty-nine, give their free and voluntary assent to the said amendment, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did advise and consent to the ratification of the Treaty of peace and friendship, made at Ruby Valley, in the Territory of Nevada, on the first day of October, one thousand eight hundred and sixty-three, by the Commissioners on the part of the United States and the Western Bands of the Shoshonee Nation of Indians, represented by their Chiefs and Principal Men and Warriors, with the following amendment:

"Fill the blank in the 8th article with the word five."

And whereas the foregoing amendment has been fully interpreted and explained to the undersigned Chiefs and Principal Men and Warriors of the aforesaid Western Bands of the Shoshonee Nation of Indians, we do hereby agree and assent to the same.

Done at Ruby Valley, Nevada, on this 17th day of June, A. D. 1869.

TIM-OOK.	his x mark.
BUCK.	his x mark.
FRANK.	his x mark.
CHARLEY TIMOOK.	his x mark.
TO-NAG.	his x mark.

Attest:

J. H. DAWLEY.

R. B. SCOTT.

W. R. REYNOLDS.

LOUIS GRINNELL, *Interpreter.*

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of June, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty, with the amendment as aforesaid.

In testimony whereof, I have hereto signed my name, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

[SEAL.]

43

1864

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

RED LAKE AND PEMBINA BANDS OF CHIPPEWAS

CONCLUDED OCTOBER 2, 1863.

RATIFICATION ADVISED BY SENATE WITH AMENDMENTS MARCH 1, 1864

AMENDMENTS ACCEPTED APRIL 12, 1864.

PROCLAIMED MAY 5, 1864.





ABRAHAM LINCOLN.

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING!

Whereas a Treaty was made and concluded at the Old Crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between Alexander Ramsey and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on the part of said Bands, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at the Old Crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina Bands of Chippewas, by their Chiefs, Headmen, and Warriors.

ARTICLE I.

The peace and friendship now existing between the United States and the Red Lake and Pembina bands of Chippewa Indians shall be perpetual.

ARTICLE II.

The said Red Lake and Pembina bands of Chippewa Indians do hereby cede, sell, and convey to the United States all their right, title, and interest in and to all the lands now owned and claimed by them in the State of Minnesota and in the Territory of Dakota within the following described boundaries, to wit: Beginning at the point where the international boundary between the United States and the British possessions intersects the shore of the Lake of the Woods; thence in a direct line southwestwardly to the head of Thief river; thence down the main channel of said Thief river to its mouth on the Red Lake river; thence in a southeasterly direction, in a direct line towards the head of Wild Rice river, to the point where such line would intersect the northwestern boundary of a tract

ceded to the United States by a treaty concluded at Washington on the twenty-second day of February, in the year eighteen hundred and fifty-five, with the Mississippi, Pillager, and Lake Winnebigoishish bands of Chippewa Indians; thence along the said boundary line of the said cession to the mouth of Wild Rice river; thence up the main channel of the Red river to the mouth of the Shayenne; thence up the main channel of the Shayenne river to Poplar Grove; thence in a direct line to the Place of Stumps, otherwise called Lake Chicot; thence in a direct line to the head of the main branch of Salt river; thence in a direct line due north to the point where such line would intersect the international boundary aforesaid; thence eastwardly along said boundary to the place of beginning.

ARTICLE III.

In consideration of the foregoing cession, the United States agree to pay to the said Red Lake and Pembina bands of Chippewa Indians the following sums, to wit: Twenty thousand dollars per annum, for twenty years; the said sum to be distributed among the Chippewa Indians of the said bands in equal amount per capita, and for this purpose an accurate enumeration and enrollment of the members of the respective bands and families shall be made by the officers of the United States: *Provided*, That so much of this sum as the President of the United States shall direct, not exceeding five thousand dollars per year, shall be reserved from the above sum, and applied to agriculture, education, the purchase of goods, powder, lead, &c., for their use, and to such other beneficial purposes, calculated to promote the prosperity and happiness of the said Chippewa Indians, as he may prescribe.

ARTICLE IV.

And in further consideration of the foregoing cession, and of their promise to abstain from such acts in future, the United States agree that the said Red Lake and Pembina bands of Chippewa Indians shall not be held liable to punishment for past offences. And in order to make compensation to the injured parties for the depredations committed by the said Indians on the goods of certain British and American traders at the mouth of Red Lake river, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red river, and to enable them to pay their just debts, the United States agree to appropriate the sum of one hundred thousand dollars; it being understood and agreed that the claims of individuals for damages or debt under this article shall be ascertained and audited, in consultation with the chiefs of said bands, by a commissioner or commissioners appointed by the President of the United States, and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs. Furthermore, the sum of two thousand dollars shall be expended for powder, lead, twine, or such other beneficial purposes as the chiefs may request, to be equitably distributed among the said bands at the first payment.

ARTICLE V.

To encourage and aid the chiefs of said bands in preserving order and inducing, by their example and advice, the members of their respective bands to adopt the habits and pursuits of civilized life, there shall be paid to each of the said chiefs annually, out of the annuities of the said bands, a sum not exceeding one hundred

and fifty dollars, to be determined by their agents according to their respective merits. And for the better promotion of the above objects, a further sum of five hundred dollars shall be paid at the first payment to each of the said chiefs to enable him to build for himself a house. Also, the sum of five thousand dollars shall be appropriated by the United States for cutting out a road from Leech lake to Red lake.

ARTICLE VI.

The President shall appoint a board of visitors, to consist of not less than two nor more than three persons, to be selected from such Christian denominations as he may designate, whose duty it shall be to attend at all annuity payments of the said Chippewa Indians, to inspect their fields and other improvements, and to report annually thereon on or before the first day of November, and also as to the qualifications and moral deportment of all persons residing upon the reservation under the authority of law; and they shall receive for their services five dollars a day for the time actually employed, and ten cents per mile for travelling expenses: *Provided*, That no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles travel.

ARTICLE VII.

The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of spirituous liquors in the Indian country, shall be in full force and effect throughout the country hereby ceded until otherwise directed by Congress or the President of the United States.

ARTICLE VIII.

In further consideration of the foregoing cession, it is hereby agreed that the United States shall grant to each male adult half-breed or mixed blood who is related by blood to the said Chippewas of the said Red Lake or Pembina bands who has adopted the habits and customs of civilized life, and who is a citizen of the United States, a homestead of one hundred and sixty acres of land, to be selected at his option, within the limits of the tract of country hereby ceded to the United States, on any land not previously occupied by actual settlers or covered by prior grants, the boundaries thereof to be adjusted in conformity with the lines of the official surveys when the same shall be made, and with the laws and regulations of the United States affecting the location and entry of the same.

ARTICLE IX.

Upon the urgent request of the Indians, parties to this treaty, there shall be set apart from the tract hereby ceded a reservation of (640) six hundred and forty acres near the mouth of Thief river for the chief "Moose Dung," and a like reservation of (640) six hundred and forty acres for the chief "Red Bear," on the north side of Pembina river.

In witness whereof, the said Alexander Ramsey and Ashley C. Morrill, commissioners on the part of the United States, and the chiefs, headmen, and warriors of the Red Lake and Pembina bands of Chippewa Indians, have hereunto set their hands, at the Old Crossing of Red Lake river, in the State of Minnesota, this

second day of October, in the year of our Lord one thousand eight hundred and sixty-three.

ALEX. RAMSEY,
ASHLEY C. MORRILL,
Commissioners,

Mons-o-mo, his x mark, Moose Dung, chief of Red Lake.
Kaw-wash-ke-ne-kay, his x mark, Crooked Arm, Chief of Red Lake.
Ase-e-ne-wah, his x mark, Little Rock, chief of Red Lak[e].
Mis-co-muk-quoh, his x mark, Red Bear, chief of Pembina.
Ase-anse, his x mark, Little Shell, chief of Pembina.
Mis-co-co-noy-a, his x mark, Red Rob, warrior of Red Lake.
Ka-che-un-ish-e-naw-bay, his x mark, The Big Indian, warrior of Red Lake.
Neo-ki-zhick, his x mark, Four Skies, warrior of Red Lake.
Nebene-quin-gwa-hawegaw, his x mark, Summer Wolverine, warrior of Pembina.
Joseph Gurnon, his x mark, warrior of Pembina.
Joseph Montrenil, his x mark, warrior of Pembina.
Teb-ish-ke-ke shig, his x mark, warrior of Pembina.
May-zhne-e-yauah, his x mark, Dropping Wind, head warrior of Red Lake.
Min-du-wah-wing, his x mark, Berry Hunter, warrior of Red Lake.
Naw-gaun-e-gwan-abe, his x mark, Leading Feather, chief of Red Lake.

Signed in presence of—

PAUL H. BEAULIEU, *Special Interpreter.*
PETER ROY, " "
T. A. WARREN, *U. S. Interpreter.*
J. A. WHEELOCK, *Secretary.*
REUBEN OTTMAN, "
GEORGE A. CAMP, *Major 8th Regiment Min. Vol.*
WILLIAM T. ROCKWOOD,
Capt. Co. "K," 8th " " " "
P. B. DAVY, *Capt. Co. L, 1st Regt. Min. M. Rangers.*
G. M. DWELLE, *2d Lieut. 3d Minn. Battery.*
F. RIEGER, *Sergeon 8th Regt. M. Vols.*
L. S. KIDDER, *1st Lieut. Co. L, 1st M. M. Rangers.*
SAM. B. ABBE.
C. A. KUTTER.
PIERRE X BOTTINEAU.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the first day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

March 1, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Articles of a treaty made and concluded at the old crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Alexander Ramsey and Ashley C. Morrill, agent for the Chippewa Indians, and the Red Lake and Pembina bands of Chippewas, by their Chiefs, Headmen, and Warriors," with the following

AMENDMENTS:

In article 4, strike out in lines 19, 20, and 21, the following words: "and that after such damages and debts shall have been paid, the residue of the above sum shall be distributed among the chiefs."

At the end of article 4, insert the following:

Provided, That no part of the sum of one hundred thousand dollars shall be appropriated or paid to make compensation for damages or for the payment of any debts owing from said Indians until the said commissioner or commissioners shall report each case, with the proofs thereon, to the Secretary of the Interior, to be submitted to Congress, with his opinion thereon, for its action; and that, after such damages and debts shall have been paid, the residue of said sum shall be added to the annuity funds of said Indians, to be divided equally upon said annuities.

At the end of article 8, insert the following:

Provided, That no scrip shall be issued under the provisions of this article, and no assignments shall be made of any right, title, or interest at law or in equity until a patent shall issue, and no patent shall be issued until due proof of five years' actual residence and cultivation, as required by the act entitled "An act to secure homesteads on the public domain."

Attest:

J. W. FORNEY, *Secretary*.

And whereas the foregoing amendments having been fully interpreted and explained to May-dwa-gua-no-nind, Mons-o-mo, Ase-e-ne-wub, Mis-comuk-quah, Naw-gon-e-gwo-nabe, Que-we-zance, May-zha-ke-osh, Bwa-ness, Wa-bon-e-qua-osh, Te-bish-co-ge-shiek, Te-besh-co-be-ness, Osh-shay-o-sick, Sa-sa-goh-cum-ick-ish-cum, Kay-tush-ke-wub-e-tung, I-inge-e-gaun-abe, and Que-we-zance-ish. Chiefs, Headmen, and Warriors of the Red Lake and Pembina bands of Chippewa Indians, they did, in Articles Supplementary to this Treaty, concluded at the city of Washington, District of Columbia, on the twelfth day of April, one thousand eight hundred and sixty-four, (which articles supplementary have been duly consented to and ratified, and were

proclaimed on the twenty-fifth day of April, one thousand eight hundred and sixty-four,) agree and assent to the provisions of this Treaty, in an article of the following tenor:

“ARTICLE I. The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the old crossing of Red Lake river, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.”

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the first of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty and amendments thereto.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the City of Washington, this fifth day of May, in the year of
 [L. s.] our Lord one thousand eight hundred and sixty-four, and of
 the Independence of the United States the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

Oct. 7, 1863

1125

T R E A T Y

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

TABEGUACHE BAND OF UTAH INDIANS,

CONCLUDED OCTOBER 7, 1863.

RATIFICATION ADVISED, WITH AMENDMENTS, BY SENATE, MARCH 25, 1864.

AMENDMENTS ACCEPTED OCTOBER 8, 1864.

PROCLAIMED DECEMBER 14, 1864.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Tabeguache Agency at Conejos, Colorado Territory, on the seventh day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between John Evans, Michael Steck, Simeon Whiteley, and Lafayette Head, Commissioners, on the part of the United States, and the hereinafter named Chiefs and Warriors of the Tabeguache Band of Utah Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Whereas the Tabeguache band of Utah Indians claim an exclusive right to the following described country as their lands and hunting grounds within the territory of the United States of America, being bounded and described as follows, to wit:

"Beginning on the 37th degree of north latitude, at the eastern base of the Sierra Madre mountains; running thence northerly with the base of the Rocky mountains to the forty-first parallel of north latitude; thence west with the line of said forty-first parallel of north latitude to its intersection with the summit of the Snowy range northwest of the North Park; thence with the summit of the Snowy range southerly to the Rabbit-Ear mountains; thence southerly with the summit of said Rabbit-Ear range of mountains, west of the Middle Park, to the Grand river; thence with the said Grand river to its confluence with the Gunnison river; thence with the said Gunnison river to the mouth of the Uncompahgre river; thence with the said Uncompahgre river to its source in the summit of the Snowy range, opposite the source of the Rio Grande del Norte; thence in a right line south to the summit of the Sierra La Plata range of mountains, dividing the waters of the San Juan river from those of the Rio Grande del Norte; thence with the summit of said range southeasterly to the thirty-seventh parallel of north latitude; thence with the line of said parallel of latitude to the place of beginning."

And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said

country, and to enter into the covenants and agreements herein set forth, the President of the United States of America, by John Evans, governor of Colorado Territory, and ex officio superintendent of Indian affairs for the same; Michael Steck, superintendent of Indian affairs for the Territory of New Mexico; Simeon Whiteley and Lafayette Head, Indian agents, duly authorized and appointed as commissioners for the purpose, of the one part, and the undersigned chiefs and warriors of the Tabeguache band of Utah Indians, of the other part, have made and entered into the following treaty, which, when ratified by the President of the United States, by and with the advice and consent of the Senate, shall be binding on both parties, to wit:

ARTICLE 1.

It is admitted by the Tabeguache band of Utah Indians that they reside within the territorial limits of the United States, acknowledge their supremacy, and claim their protection. The said band also admits the right of the United States to regulate all trade and intercourse with them.

ARTICLE 2.

Said Tabeguache band of Utah Indians hereby cede, convey, and relinquish all of their claim, right, title, and interest in and to any and all of their lands within the territory of the United States, wherever situated, excepting that which is included within the following boundaries, viz:

Beginning at the mouth of the Uncompahgre river; thence down Gunnison river to its confluence with the Bunkara river; thence up the Bunkara river to the Roaring Fork of the same; thence up the Roaring Fork to its source; thence along the summit of the range dividing the waters of the Arkansas from those of the Gunnison river to its intersection with the range dividing the waters of the San Luis valley from those of the Arkansas river; thence along the summit of said range to the source of the Sandy creek of the San Luis valley; thence down the Sandy creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan river; thence along said summit westerly to a point due south of the source of the Uncompahgre river; thence to said source and down the main channel of said Uncompahgre river to its mouth, the place of beginning.

ARTICLE 3.

And it is further agreed, that the United States shall have the right to establish one or more military posts, with their needful reservations, upon the lands and hunting grounds not ceded by the Tabeguache band in this treaty; also the right to locate, construct, and maintain railroads and other roads and highways through the same, and along the routes of United States mail lines, at suitable points, to establish and maintain stations.

The right of any citizen of the United States to mine without interference or

molestation in any part of the country hereby retained by said Indians, where gold or other metals or minerals may be found, is hereby also conferred and guaranteed. And for all other purposes, excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited.

ARTICLE 4.

And the said Tabeguache band hereby gives its consent that the Mohuache band of Utah Indians may also be settled with them upon the lands and hunting grounds reserved in this treaty.

ARTICLE 5.

And the said Tabeguache band further agrees to give safe conduct to all persons who may be legally authorized by the United States to pass through their country, and to protect in their persons and property all agents or other persons sent by the United States to reside temporarily among them.

ARTICLE 6.

That the friendship which is now established between the United States and the Tabeguache band of Utah Indians should not be interrupted by the misconduct of individuals, it is hereby agreed that for injuries done no private revenge or retaliation shall take place, but, instead thereof, complaints shall be made by the party injured to the superintendent or agent of Indian affairs, or other person appointed by the President. And it shall be the duty of the chiefs of said Tabeguache band, upon complaint being made as aforesaid, to deliver up the person or persons against whom the complaint is made, to the end that he or they may be punished agreeably to the laws of the United States. And in like manner, if any robbery, violence, or murder shall be committed on any Indian or Indians belonging to said band, the person or persons so offending shall be tried, and if found guilty, shall be punished in like manner as if the injury had been done to a white man. And it is agreed that the chiefs of said Tabeguache band shall, to the utmost of their power, exert themselves to recover horses or other property which may be stolen or taken from any citizen or citizens of the United States by any individual or individuals of said band; and the property so recovered shall be forthwith delivered to the agents or other persons authorized to receive it, that it may be restored to the proper owner. And for such property as any Indian or Indians belonging to said band may have taken from citizens of the United States which cannot be restored, payment shall be reserved from the annuities which the said band is to receive, upon sufficient proof of the fact. And the United States hereby guarantee to any Indian or Indians of said band a full indemnification for any horses or other property which may be stolen from them by any of their citizens: *Provided*, That the property so stolen cannot be recovered, and that sufficient proof is produced that it was actually stolen by a citizen of the United States. And the said Tabeguache band engages, on the requisition or demand of the President of the United States, or of the agents, to deliver up any white man resident among them.

ARTICLE 7.

And the chiefs and warriors as aforesaid promise and engage their band will never, by sale, exchange, or as presents, supply any nation or tribe of Indians, not in amity with the United States, with guns, ammunition, or other implements of war.

ARTICLE 8.

For the period of ten years the said band shall receive, annually, by such distribution as the Secretary of the Interior may direct, ten thousand dollars' worth of goods, and also ten thousand dollars' worth of provisions.

ARTICLE 9.

For the purpose of improving their breed of horses, the band shall receive five American stallions the first year after the ratification of this treaty.

ARTICLE 10.

Each family that shall announce through its head to the agent of the band a willingness and determination to begin and follow the pursuits of agriculture, by farming or raising stock and growing wool, upon such lands and according to such regulations as the Secretary of the Interior may prescribe, shall receive the following donations of stock to aid them in their endeavor to gain a livelihood by such new pursuits, viz:

Of cattle, one head annually during five years, beginning with the ratification of this treaty.

Of sheep, ten head annually during the first two years after the ratification of this treaty, and five head annually during the three years thereafter.

The Secretary of the Interior may also direct that their share of annuity goods and provisions shall be of a character suited to such change of life: *Provided, however,* That such stock shall only be donated as long as such family shall in good faith keep and use the same for the purpose indicated in this article.

All the Indians of said band who may adopt and conform to the provisions of this article shall be protected in the quiet and peaceable possession of their said lands and property.

The government also agrees to establish and maintain a blacksmith shop, and employ a competent blacksmith, for the purpose of repairing the guns and agricultural implements which may be used by said band of Indians.

In testimony whereof, the said commissioners, as aforesaid, and the said Chiefs and Warriors of the Tabeguache band of Utah Indians, have hereunto set their hands and seals, at the Tabeguache agency, at Conejos, Colorado Territory, on this the seventh day of October, in the year of our Lord one thousand eight hundred and sixty three.

JNO. EVANS, [Seal.]

Gov. C. T., Supt. Ind. Affairs and Commissioner.

M. STECK, [Seal.]

Supt. Ind. Affrs. New Mex. and Commissioner.

SIMEON WHITELEY, [Seal.]

U. S. Agent to the Grand River and Uintah

Bands of Utah Indians, and Commissioner.

LAFAYETTE HEAD, [Seal.]

U. S. Ind. Agt. and Commissioner.

UN-COW-RA-GUT, or Red Color,	his x mark.	[Seal.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark.	[Seal.]
COLORADO,	his x mark.	[Seal.]
U-RAY, or Arrow,	his x mark.	[Seal.]
NO-VA-VE-TU-QUAR-ET, or		
One that Slides under the Snow.	his x mark.	[Seal.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark.	[Seal.]
A-CA-MU-CHE-NE, or Red Wind,	his x mark.	[Seal.]
MU-CHU-CHOP, or Lock of Hair,	his x mark.	[Seal.]
SA-PATCH, or White Warm,	his x mark.	[Seal.]
CINCHE, or Left Hand.		[Seal.]

Witnesses to the treaty :

JNO. G. NICOLAY, Secretary to the Commission.
 CHAS. E. PHILLIPS, Asst. Secretary to Commission.
 J. W. CHROUGHTON, Col. 1st Cav. of Col'do, Comd'g Dist.
 SAMUEL F. TAPPAN, Lieut. Col. 1st Cav. of Colorado.
 CHARLES KERBER, Capt. 1st Cav. of Colorado.
 J. P. BENESTEEL, Capt. 1st Cav. of Col.

Interpreters:

JUAN V. VALDES.
 BERNARDO SANCHEZ, his x mark.
 AMADOR SANCHEZ, his x mark.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE U. STATES,
 March 25, 1864.

Resolved, (two thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty concluded on the seventh day of October, eighteen hundred and sixty-three, at Concjos, Colorado Territory, between John Evans, governor and ex officio superintendent of Indian affairs of said Territory, Michael Steck, superintendent of Indian affairs for the Territory of New Mexico, Simeon Whiteley and Lafayette Head, Indian agents, commissioners on the part of the United States, and the chiefs and warriors of the Tabeguache band of Utah Indians," with the following

AMENDMENTS:

Page 1, line 2, of the preamble, after the word "claim" insert: *as against all other Indian tribes.*

Page 3, in lines 37 to 43, inclusive, strike out of the preamble the following words: "And whereas the said Indians, for the purpose of maintaining friendly relations with the people and government of the United States of America, and for the other considerations herein mentioned, are willing to cede a portion of said country, and to enter into the covenants and agreements herein set forth."

- Page 5, article 2, line 5, after the word "all" strike out the words "of their."
- " 5, " 2, line 8, after the word "boundaries," insert: *which are hereby reserved as their hunting grounds, viz:*
- " 5, " 2, line 18, strike out the word "Arkansas," and insert in lieu thereof: *Gunnison's fork of the Great Colorado.*
- " 5, " 2, strike out from the word "to," in line 20, to the word "the" in line 33, the following words: "the source of the Sandy creek of the San Louis valley; thence down the Sandy creek to the place where its waters sink at low water; thence in a right line to the point where the centre of the channel of the Rio Grande del Norte crosses the 106th line of longitude west from Greenwich; thence up the centre of the main channel of the Rio Grande del Norte to the line of the 107th degree of longitude west from Greenwich; thence south along said line to the summit of the range dividing the waters of the Rio Grande del Norte from those of the San Juan river; thence along said summit westerly to a point due south of."
- " 6, " 2, in line 34, after the word "thence" strike out the word "to" and insert: *from.*
- " 6, " 2, after line 36 insert the following words: *Nothing contained in this treaty shall be construed or taken to admit on the part of the United States any other or greater title or interest in the lands above excepted and reserved in said tribe or band of Indians than existed in them upon the acquisition of said Territory from Mexico by the laws thereof.*
- " 7, " 3, line 12, strike out the words "the right of."
- " 7, " 3, line 13, strike out the word "to" and insert: *may,* in lieu thereof.
- " 7, " 3, line 15, strike out the words "retained by," and insert in lieu thereof the words: *reserved to.*
- " 7, " 3, after the word "found," in line 16, strike out the following words: "is hereby also conferred and guaranteed. And for all other purposes excepting as herein stipulated, settlement by other persons than Indians is hereby prohibited."
- " 9, " 5, line 5, strike out the word "country;" insert in lieu thereof: *reservation.*
- " 11, " 6, line 29, after the word "citizens" insert: *or white resident.*
- " 11, " 6, line 37, after the word "citizens" insert: *or white residents.*
- " 11, " 6, line 45, after the word "citizens" insert: *or white residents.*
- " 11, " 6, line 49, after the word "citizen" insert: *or white resident.*
- " 15, " 10, line 2, strike out the words "Each family," and after the word "that" in same line insert: *in case the chiefs of said band.*
- " 15, " 10, line 2, after the word "announce" strike out the words "through its head."
- " 15, " 10, line 3, after the word "agent" strike out the words "of the band."
- " 15, " 10, line 4, after word "determination" insert: *on their part, and on the part of their people.*
- " 15, " 10, line 5, after the word "follow" strike out the words "the pursuits of agriculture," and insert in lieu thereof: *agricultural or pastoral pursuits.*

Page 15, article 10, line 7, after the word "lands" insert: *to be selected and set apart within said reservation.*

" 15, " 10, line 9, before the word "shall" insert: *they.*

" 15, " 10, line 12, after the word "cattle" strike out the word "one," and insert in lieu thereof: *not exceeding one hundred and fifty.*

" 15, " 10, line 15, after the word "sheep" strike out the word "ten." and insert in lieu thereof: *not exceeding one thousand.*

" 15, " 10, line 17, after the word "five" insert: *hundred.*

" 15, " 10, line 24, after the word "such" strike out the word "family;" insert in lieu thereof the word: *chiefs.*

" 15, " 10, at the end of line 26, insert the following words: *And provided, That the amount expended under this article shall not exceed ten thousand dollars annually.*

Attest:

J. W. FORNEY, *Secretary.*
By W. HICKEY, *Chief Clerk.*

And whereas the foregoing amendments having been fully interpreted and explained to Un-cow-ra-gut, or Red Color, Sha-wa-she-yet, or Blue Flower, U-ray, or Arrow, Ne-va-ve-tu-quar-et, or One who slides under the Snow, Colorado, Sa-wa-wat-se-wich, or Blue River, Can-i-yet, Camileon, or Camelion, and Nan-tos, Chiefs and Warriors of the Tabeguache Band of Utah Indians, they did, on the eighth of October, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit :

We, the undersigned, Chiefs and Warriors of the Tabeguache Band of Utah Indians, with the concurrence of said band, do hereby give our free and voluntary assent to the foregoing amendments made by the Senate of the United States on the 25th day of March, A. D. one thousand eight hundred and sixty-four, to the treaty concluded by us with the United States, on the 7th day of October, A. D. one thousand eight hundred and sixty-three, the same having been fully explained to us in full council assembled, by John Evans, Commissioner on the part of the United States, appointed for the purpose.

In testimony whereof, we have hereunto set our hands and affixed our seals, respectively, at Conejos, Colorado Territory, this 8th day of October, A. D. one thousand eight hundred and sixty-four.

UN-COW-RA-GUT, or Red Color,	his x mark.	[Seal.]
SHA-WA-SHE-YET, or Blue Flower,	his x mark.	[Seal.]
U-RAY, or Arrow,	his x mark.	[Seal.]
NE-VA-VE-TU-QUAR-ET,		
or One who slides under the Snow,	his x mark.	[Seal.]
COLORADO,	his x mark.	[Seal.]
SA-WA-WAT-SE-WICH, or Blue River,	his x mark.	[Seal.]
CAN-I-YET,	his x mark.	[Seal.]
CAMILEON, or Camelion,	his x mark.	[Seal.]
NAN-TOS.	his x mark.	[Seal.]

Witnesses:

JNO. EVANS, Com'r.
 LAFAYETTE HEAD, U. S. Ind. Agt.
 SIMEON WHITELEY, U. S. Indian Agt.
 L. B. McLAIN, Interpreter.
 his
 MARTIN x RODRIGES, Interpreter.
 mark.
 CHARLES KERBER, Captn. Cavl. of Colorado.
 GEO. H. STILWELL, Adj't. 1st Cav. of Col.
 A. E. B. SOPER, Lt. 3d Regt. Col. Cavalry.
 A. SAYENDORF.
 WM. J. GODFREY.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-fifth of March, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this fourteenth day of December, in the [SEAL.] year of our Lord one thousand eight hundred and sixty four, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

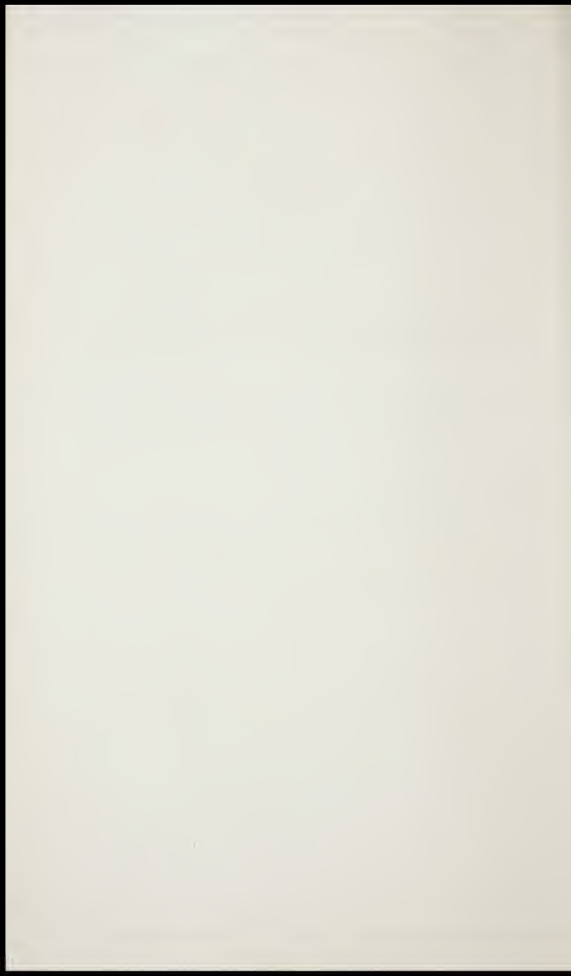
SHOSHONEE-GOSHIP BANDS OF INDIANS.

CONCLUDED OCTOBER 12, 1863.

RATIFICATION ADVISED, WITH AMENDMENT, BY SENATE, MARCH 7, 1864.

AMENDMENT ACCEPTED NOVEMBER 24, 1864.

PROCLAIMED JANUARY 17, 1865.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Tuilla Valley, in the Territory of Utah, on the twelfth day of October, in the year of our Lord one thousand eight hundred and sixty-three, by and between James Duane Doty and P. Edward Connor, Commissioners, on the part of the United States, and the hereinafter named Chiefs, Principal Men, and Warriors of the Shoshonee-Goship Bands of Indians, on the part of said bands of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Treaty of peace and friendship made at Tuilla Valley, in the Territory of Utah, this twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by the under-signed, commissioners, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors, as follows:

ARTICLE I.

Peace and friendship is hereby established and shall be hereafter maintained between the Shoshonee-Goship bands of Indians and the citizens and government of the United States; and the said bands stipulate and agree that hostilities and all depredations upon the emigrant trains, the mail and telegraph lines, and upon the citizens of the United States within their country, shall cease.

ARTICLE II.

It is further stipulated by said bands that the several routes of travel through their country now or hereafter used by white men shall be forever free and unobstructed by them for the use of the government of the United States, and of all emigrants and travellers within it under its authority and protection, without molestation or injury from them. And if depredations are at any time committed by bad men of their own or other tribes within their country, the offenders shall be immediately taken and delivered up to the proper officers of the United States, to be punished as their offences may deserve; and the safety of all travellers passing peaceably over either of said routes is hereby guaranteed by said bands.

Military posts may be established by the President of the United States along said routes, or elsewhere in their country; and station-houses may be erected and occupied at such points as may be necessary for the comfort and convenience of travellers or for the use of the mail or telegraph companies.

ARTICLE III.

The telegraph and overland stage lines having been established and operated by companies under the authority of the United States through the country occupied by said bands, it is expressly agreed that the same may be continued without hindrance, molestation, or injury from the people of said bands, and that their property, and the lives and property of passengers in the stages and of the employees of the respective companies, shall be protected by them.

And further, it being understood that provision has been made by the government of the United States for the construction of a railway from the plains west to the Pacific ocean, it is stipulated by said bands that the said railway or its branches may be located, constructed, and operated, and without molestation from them, through any portion of the country claimed or occupied by them.

ARTICLE IV.

It is further agreed by the parties hereto that the country of the Goship tribe may be explored and prospected for gold and silver, or other minerals and metals; and when mines are discovered they may be worked, and mining and agricultural settlements formed and ranches established wherever they may be required. Mills may be erected and timber taken for their use, as also for building and other purposes, in any part of said country.

ARTICLE V.

It is understood that the boundaries of the country claimed and occupied by the Goship tribe, as defined and described by said bands, are as follows: On the north by the middle of the Great desert; on the west by Steptoe valley; on the south by Tooele or Green mountains; and on the east by Great Salt Lake, Tuilla and Rush valleys.

ARTICLE VI.

The said bands agree that whenever the President of the United States shall deem it expedient for them to abandon the roaming life which they now lead, and become settled as herdsmen or agriculturists, he is hereby authorized to make such reservations for their use as he may deem necessary; and they do also agree to remove their camps to such reservations as he may indicate, and to reside and remain thereon.

ARTICLE VII.

The United States being aware of the inconvenience resulting to the Indians in consequence of the driving away and destruction of game along the routes travelled by white men, and by the formation of agricultural and mining settlements, are willing to fairly compensate them for the same. Therefore, and in consideration of the preceding stipulations, and of their faithful observance by

said bands, the United States promise and agree to pay to the said Goship tribe, or to the said bands parties hereto, at the option of the President of the United States, annually, for the term of twenty years, the sum of one thousand dollars, in such articles, including cattle for herding or other purposes, as the President shall deem suitable for their wants and condition either as hunters or herdsmen. And the said bands, for themselves and for their tribe, hereby acknowledge the reception of the said stipulated annuities as a full compensation and equivalent for the loss of game and the rights and privileges hereby conceded; and also one thousand dollars in provisions and goods at and before the signing of this treaty.

JAMES DUANE DOTY,
Commissioner.

P. EDW. CONNOR,
Brig. Genl. U. S. Vols., Comd'g Dist. of Utah.
TABBY, x his mark.
ADASEIM, x his mark.
TINTSA-PA-GIN, x his mark.
HARRY-NUP, x his mark.

Witnesses :

AMOS REED.
CHAS. H. HEMPSTEAD, Capt. and Chief Commissary Dist. of Utah.
WILLIAM LEE, *Interepeter*, [Interpreter.]
JOS. A. GEBON, Interpreter.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the seventh day of March, one thousand eight hundred and sixty-four, advise and consent to the ratification of the same by a resolution, with an amendment, in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 7, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the "Treaty of peace and friendship, made at Tuilla valley, in the Territory of Utah, this [the] twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their commissioners, and the Shoshonoe-Goship bands of Indians, represented by their chiefs, principal men, and warriors," with the following

AMENDMENT :

At the end of article 7 insert a new article, as follows :

ARTICLE 8.

Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof.

Attest :

J. W. FORNEY, Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to Tabby, Adaseim, Tintsapagin, and Diek Moni, Chiefs, Principal Men, and Warriors of the Shoshonee-Goship Bands of Indians, they did, on the twenty-fourth day of November, one thousand eight hundred and sixty-four, give their free and voluntary assent to the same, in the words and figures following, to wit:

Whereas a treaty of peace and friendship was made and concluded at Tuilla Valley, in the Territory of Utah, on the twelfth day of October, A. D. one thousand eight hundred and sixty-three, between the United States of America, represented by their commissioner, James Duane Doty, and Brigadier General P. Edward Connor, and the Shoshonee-Goship bands of Indians, represented by their chiefs, principal men, and warriors; which treaty was ratified by the Senate of the United States on the 7th day of March, 1864, with the following amendment:

"Article 8. Nothing herein contained shall be construed or taken to admit any other or greater title or interest in the lands embraced within the territories described in said treaty in said tribes or bands of Indians than existed in them upon the acquisition of said territories from Mexico by the laws thereof."

Now, the said amendment having been, this 24th day of November, A. D. 1864, at a council held with the said chiefs, principal men and warriors, at Tuilla Valley, under the instructions of the President of the United States, submitted to the said chiefs, principal men, and warriors for their consideration and acceptance, and the same having been read, and fully interpreted to them in their own language, the said chiefs and principal men and warriors, for themselves and for the Shoshonee-Goship bands of Indians, do hereby agree and consent to the said amendment to the said treaty; and do stipulate that the same shall be, and hereby is, accepted and adopted as one of the articles thereof, and forever binding upon them and their said nation.

In witness whereof the said commissioner and the superintendent of Indian affairs in the Territory of Utah, on the part of the United States, and the said chiefs, principal men, and warriors, on the part of the Shoshonee-Goship bands of Indians, have hereunto set their hands this twenty-fourth day of November, A. D. one thousand eight hundred and sixty-four.

JAMES DUANE DOTY,
Commissioner.

O. H. IRISH,
Supt. Indn. Affairs.

TABBY, x his mark.

ADASEIM, x his mark.

TINTSAPAGIN, x his mark.

DICK MONI, x his mark.

Witnesses:

AMOS REED, Secretary of Utah Ty.

D. B. HUNTINGTON, U. S. Interpreter.

WILLIAM LEE, Special Interpreter.

Now, therefore, be it known, that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the seventh of March, one thousand

eight hundred and sixty-four, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of January, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-five, and of the Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President :

WILLIAM H. SEWARD,
Secretary of State.



SUPPLEMENTARY TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

RED LAKE AND PEMBINA BANDS OF CHIPPEWAS.

CONCLUDED APRIL 12, 1864.

RATIFICATION ADVISED BY SENATE APRIL 21, 1864.

PROCLAIMED APRIL 25, 1864.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twelfth day of April, in the year of our Lord one thousand eight hundred and sixty-four, by and between Clark W. Thompson and Ashley C. Morrill, Commissioners, on the part of the United States, and the hereinafter-named Chiefs, Headmen, and Warriors of the Red Lake and Pembina Bands of Chippewa Indians, on behalf of and duly authorized thereto by said bands, which treaty is in the words and figures following, to wit:

Articles supplementary to the treaty made and concluded at the old crossing of Red Lake river, in the State of Minnesota, on the second day of October, in the year eighteen hundred and sixty-three, between the United States of America, by their Commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina Bands of Chippewa Indians, by their Chiefs, Headmen, and Warriors, concluded at the city of Washington, District of Columbia, on the twelfth day of April, in the year eighteen hundred and sixty-four, between the United States, by the said Commissioners, of the one part, and the said bands of Chippewa Indians, by their Chiefs, Headmen, and Warriors, of the other part.

ARTICLE I.

The said Red Lake and Pembina bands of Chippewa Indians do hereby agree and assent to the provisions of the said treaty, concluded at the old crossing of Red Lake river, as amended by the Senate of the United States by resolution bearing date the first day of March, in the year eighteen hundred and sixty-four.

ARTICLE II.

In consideration of the cession made by said treaty, concluded at the old crossing of Red Lake river, and in lieu of the annuity payment provided for by the third article of said last mentioned treaty, the United States will pay annually, during the pleasure of the President of the United States, to the Red Lake band

of Chippewas the sum of ten thousand dollars, and to the Pembina band of Chippewas the sum of five thousand dollars, which said sums shall be distributed to the members of said bands, respectively, in equal amounts per capita, for which purpose an accurate enumeration and enrollment of the members of the respective bands shall be made by the officers of the United States.

ARTICLE III.

The United States will also expend annually, for the period of fifteen years, for the Red Lake band of Chippewas, for the purpose of supplying them with gilling twine, cotton mater, calico, lindsey, blankets, sheeting, flannels, provisions, farming tools, and for such other useful articles, and for such other useful purposes as may be deemed for their best interests, the sum of eight thousand dollars; and will expend in like manner, and for a like period, and for like purposes, for the Pembina band of Chippewas, the sum of four thousand dollars.

ARTICLE IV.

The United States also agree to furnish said bands of Indians, for the period of fifteen years, one blacksmith, one physician, one miller, and one farmer; and will also furnish them annually, during the same period, with fifteen hundred dollars' worth of iron, steel, and other articles for blacksmithing purposes, and one thousand dollars for carpentering, and other purposes.

ARTICLE V.

The United States also agree to furnish for said Indians at some suitable point, to be determined by the Secretary of the Interior, a saw-mill with a run of mill-stones attached.

ARTICLE VI.

It is further agreed, by and between the parties hereto, that article four of the said treaty, concluded at the old crossing of Red Lake river, and the amendment to said article, shall be modified as follows: that is to say, twenty-five thousand dollars of the amount thereby stipulated shall be paid to the chiefs of said bands, through their agent, upon the ratification of these articles, or so soon thereafter as practicable, to enable them to purchase provisions and clothing, presents to be distributed to their people upon their return to their homes; of which amount five thousand dollars shall be expended for the benefit of their chief, May-dwa-gwa-no-nind; and that from the remaining seventy-five thousand dollars the claims of injured parties for depredations committed by said Indians on the goods of certain British and American traders at the mouth of Red Lake river, and for exactions forcibly levied by them on the proprietors of the steamboat plying on the Red river, shall have priority of payment, and be paid in full, and the remainder thereof shall be paid pro rata upon the debts of said tribe incurred since the first day of January, in the year eighteen hundred and fifty-nine, to be ascertained by their agent in connexion with the chiefs, in lieu of the commissioner or commissioners provided for in the fourth article of said treaty concluded at the old crossing of Red Lake river.

ARTICLE VII.

It is further agreed by the parties hereto, that, in lieu of the lands provided

for the mixed-bloods by article eight of said treaty concluded at the old crossing of Red Lake river, scrip shall be issued to such of said mixed-bloods as shall so elect, which shall entitle the holder to a like amount of land, and may be located upon any of the lands ceded by said treaty, but not elsewhere, and shall be accepted by said mixed-bloods in lieu of all future claims for annuities.

In testimony whereof, the said commissioners, on behalf of the United States, and the said chiefs, headmen, and war[r]iors, on behalf of the Red Lake and Pembina bands of Chippewa Indians, have hereunto affixed their hands and seals this twelfth day of April, in the year eighteen hundred and sixty-four.

CLARK W. THOMPSON, [SEAL.]
ASHLEY C. MORRILL, [SEAL.]
Commissioners.

Principal Red Lake chief, May-dwa-gua-no-nind, (he that is spoken to,) his x mark. [Seal.]
Red Lake chief, Mons-o-mo, (Moose-dung,) his x mark. [Seal.]
Red Lake chief, Ase-e-ne-wub, (Little Rock,) his x mark. [Seal.]
Principal Pembina chief, Mis-co-muk-quah, (Red Bear,) his x mark. [Seal.]
Red Lake headman, Naw-gon-e-gwo-nabe, (Leading Feather,) his x mark. [Seal.]
Red Lake war[r]ior, Que-we-zance, (The Boy,) his x mark. [Seal.]
Red Lake headman, May-zha-ke-osh, (Dropping Wind,) his x mark. [Seal.]
Red Lake headman, Bwa-ness, (Little Shoe,) his x mark. [Seal.]
Red Lake headman, Wa-bon-e-qua-osh, (White Hair,) his x mark. [Seal.]
Pembina headman, Te-bish-co-ge-shick, (Equal Sky,) his x mark. [Seal.]
Red Lake war[r]ior, Te-besh-co-be-ness, (Straight Bird,) his x mark. [Seal.]
Red Lake war[r]ior, Osh-shay-o-sick, (no interpretation,) his x mark. [Seal.]
Red Lake war[r]ior, Sa-sa-goh-cum-ick-ish-cum, (He that makes the ground tremble,) his x mark. [Seal.]
Red Lake war[r]ior, Kay-tush-ke-wub-e-tung, (no interpretation,) his x mark. [Seal.]
Pembina war[r]ior, I-inge-c-gaun-abo, (Wants Feathers,) his x mark. [Seal.]
Red Lake war[r]ior, Que-we-zance-isb, (Bad Boy,) his x mark. [Seal.]

Signed in presence of—

P. H. BEAULIEU, *Special Interpreter.*
J. G. MORRISON, *Do.* "
PETER ROY, "
T. A. WARREN, *U. S. Inptr.*
CHAS. E. GARDELL.
CHARLES BOTTENEAU.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-first day of April, one thousand eight hundred and sixty-four, advise

and consent to the ratification of the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 21, 1864.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of "The articles supplementary to the treaty made and concluded at the old crossing of the Red Lake river, in the State of Minnesota, on the 2nd day of October, in the year 1863, between the United States of America, by their Commissioners, Clark W. Thompson and Ashley C. Morrill, and the Red Lake and Pembina bands of Chippewa Indians, by their Chiefs, Headmen, and Warriors, concluded at the city of Washington, District of Columbia, on the 12th day of April, in the year 1864, between the United States, by the said Commissioners of the one part, and the said Bands of Chippewa Indians, by their Chiefs, Headmen, and Warriors, of the other part."

Attest:

J. W. FORNEY, *Secretary*.

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the twenty-first of April, one thousand eight hundred and sixty-four, accept, ratify, and confirm the said treaty.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereunto affixed.

Done at the City of Washington, this twenty-fifth day of April, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-four.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

1376

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIPPEWAS OF THE MISSISSIPPI, AND PILLAGER AND
LAKE WINNEBAGOSHISH BANDS OF CHIPPEWA
INDIANS IN MINNESOTA.

CONCLUDED MAY 7, 1864.

RATIFICATION ADVISED, WITH AMENDMENT, BY SENATE, FEBRUARY 9, 1865.

AMENDMENT ACCEPTED FEBRUARY 14, 1865.

PROCLAIMED MARCH 20, 1865.





ABRAHAM LINCOLN,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-four, by and between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the Northern Superintendency, on the part of the United States, and the Chippewa Chief Que-we-zance, or Hole-in-the-day, and Mis-quadace, or Turtle, on the part of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoish Bands of Chippewa Indians in Minnesota, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the city of Washington this seventh day of May, A. D. 1864, between William P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the Northern superintendency, on the part of the United States, and the Chippewa Chief Hole-in-the-day and Mis-quadace, for and on behalf of the Chippewas of the Mississippi, and Pillager and Lake Winnebagoish bands of Chippewa Indians in Minnesota.

ARTICLE I.

The reservations known as Gull Lake, Mille Lac, Sandy Lake, Rabbit Lake, Pokagomin Lake and Rice Lake, as described in the second clause of the second article of the treaty with the Chippewas of the twenty-second of February, 1855, are hereby ceded to the United States, excepting one-half section of land, including the mission buildings at Gull Lake, which is hereby granted in fee simple to the Reverend John Johnson, missionary, and one section of land, to be located by the Secretary of the Interior, on the southeast side of Gull Lake, and which is hereby granted in fee simple to the chief Hole-in-the-day, and a section to chief Mis-quadace, at Sandy-Lake, in like manner, and one section to chief Shaw-vosh-kung, at Mille Lac in like manner.

ARTICLE II.

In consideration of the foregoing cession, the United States agree to set apart for the future home of the Chippewas of the Mississippi, all the lands embraced within the following described boundaries, excepting the reservations made and described in the third clause of the second article of the said treaty of February 22^d, 1855, for the Pottawar and Lake Winnebagoish bands; that is to say, beginning at a point one mile south of the most southerly point of Leach Lake, and running thence in an easterly course to a point one mile south of the most southerly point of Goose Lake, thence due east to a point due south from the intersection of the Pokagouin reservation and the Mississippi river, thence on the dividing line between Bear river and lakes and Mashkordens river and lakes, until a point is reached north of the first named river and lakes; thence in a direct line northwesterly to the outlet of Two Routs lake, then in a southwesterly direction to Turtle lake; thence southwestwardly to the headwater of Rice river; thence northwesterly along the line of the Red Lake reservation to the mouth of Thief river; thence down the centre of the main channel of Red Lake river to a point opposite the mouth of Black river; thence southeasterly in a direct line with the outlet of Rice lake to a point due west from the place of beginning; thence to the place of beginning.

ARTICLE III.

In consideration of the foregoing cession to the United States, and the valuable improvements thereon, the United States further agree, first, to extend the present annuities of the Indians, parties to this treaty, for ten years beyond the periods respectively named in existing treaties; second, and to pay towards the settlement of the claims for depredations committed by said Indians in 1862, the sum of twenty thousand dollars; third, to the chiefs of the Chippewas of the Mississippi, ten thousand dollars, to be paid upon the ratification of this treaty; and five thousand dollars to the chief Hole-in-the-day, for depredations committed in burning his house and furniture in 1862.

ARTICLE IV.

The United States further agree to pay seven thousand five hundred (\$7,500) dollars for clearing, stumping, grubbing, breaking and planting, on the reservation hereby set apart for the Chippewas of the Mississippi, in lots of not less than ten acres each, at such point or points as the Secretary of the Interior may select, as follows, viz: For the Gull Lake band, seventy (70) acres; for the Mille Lac band, seventy (70) acres; for the Sandy Lake band, fifty (50) acres; for the Pokagouin band, fifty (50) acres; for the Rabbit Lake band, forty (40) acres; for the Rice Lake band, twenty (20) acres; and to expend five thousand dollars (\$5,000) in building for the chiefs of said bands one house each, under the direction of the Secretary of the Interior.

ARTICLE V.

The United States agree to furnish to said Indians, parties to this treaty, ten (10) yoke of good steady work oxen, and twenty log chains annually for ten years, provided the Indians shall take proper care of and make proper use of the same; also for the same period annually two hundred (200) grubbing hoes, ten (10) plows, ten (10) grindstones, one hundred (100) axes, handled, not to exceed in

weight three and one-half pounds each, twenty (20) spoons, and other farming implements, provided it shall not amount to more than fifteen hundred dollars in one year; also two carpenters, and two blacksmiths, and four term laborers, and one physician.

ARTICLE VI.

The United States further agree to pay annually one thousand dollars (\$1000) towards the support of a saw-mill to be built for the common use of the Chippewas of the Mississippi and the Red Lake and Pembina bands of Chippewa Indians; so long as the President of the United States may deem it necessary; and to expend in building a road, bridges, &c., to their new agency, seven thousand five hundred dollars, (\$7,500); and to expend for new agency buildings to be located by the Secretary of the Interior for the common use of the Chippewas of the Mississippi, Red Lake and Pembina, and Pillager and Lake Winnabago bands of Chippewa Indians, twenty-five thousand dollars, (\$25,000).

ARTICLE VII.

There shall be a board of visitors to consist of not less than five nor more than five persons, to be selected from such christian denomination or denominations as the chiefs in council may designate, whose duty it shall be to be present at all annuity payments to the Indians, whether of goods, *manies*, *manegs*, provisions, or other articles, and to inspect the fields, buildings, mills, and other improvements made or to be made, and to report annually thereon, on or before the first day of November; and also as to the qualifications and moral deportment of all persons residing upon the reservation under the sanction of law or regulation, and they shall receive for their services five dollars per day for the time actually employed, and ten cents per mile for travelling expenses; provided that no one shall be paid in any one year for more than twenty days' service, or for more than three hundred miles' travel.

ARTICLE VIII.

No person shall be recognized as a chief whose band numbers less than fifty persons; and to encourage and aid the said chiefs in preserving order, and inducing by their example and advice the members of their respective bands to adopt the pursuits of civilized life, there shall be paid to each of said chiefs annually out of the annuities of said bands a sum not exceeding one hundred and fifty dollars, (\$150,) to be determined by their agent according to their respective merits.

ARTICLE IX.

To improve the morals and industrial habits of said Indians, it is agreed that no agent, teacher, interpreter, trader, or other employees shall be employed, appointed, licensed, or permitted to reside within the reservations belonging to the Indians, parties to this treaty, missionaries excepted, who shall not have a family residing with them at their respective places of employment or trade within the agency, whose moral habits and fitness shall be reported upon annually by the board of visitors; and no person of full or mixed blood, educated or partially educated, whose fitness, morally or otherwise, is not conducive to the welfare of said Indians, shall receive any benefit from this or any former treaties, and may be expelled from the reservation.

ARTICLE X.

All annuities under this or former treaties shall be paid as the chiefs in council may request, with the approval of the Secretary of the Interior, until otherwise altered or amended, which shall be done whenever the board of visitors, by the request of the chiefs, may recommend it; provided that no change shall take place oftener than once in two years.

ARTICLE XI.

Whenever the services of laborers are required upon the reservation, preference shall be given to full or mixed bloods, if they shall be found competent to perform them.

ARTICLE XII.

It shall not be obligatory upon the Indians, parties to this treaty, to remove from their present reservations until the United States shall have first complied with the stipulations of Articles IV and VI of this treaty, when the United States shall furnish them with all necessary transportation and subsistence to their new homes and subsistence for six months thereafter: *Provided*, That, owing to the heretofore good conduct of the Mille Lac Indians, they shall not be compelled to remove so long as they shall not in any way interfere with or in any manner molest the persons or property of the whites.

ARTICLE XIII.

Female members of the family of any government employe[e] residing on the reservation, who shall teach Indian girls domestic economy, shall be allowed and paid a sum not exceeding ten dollars per month while so engaged: *Provided*, That not more than one thousand dollars shall be so expended during any one year, and that the President of the United States may suspend or annul this article whenever he may deem it expedient to do so.

ARTICLE XIV.

It is distinctly understood and agreed that the clearing and breaking of land for the Chippewas of the Mississippi, as provided for in the fourth article of this treaty, shall be in lieu of all former engagements of the United States as to the breaking of lands for those bands, and that this treaty is in lieu of the treaty made by the same tribes, approved March 11th, 1863.

In testimony whereof the said Wm. P. Dole and Clark W. Thompson, on behalf of the United States, and Chippewa chiefs, Hole-in-the-day and Mis-quadace, on behalf of Indians parties to this treaty, have herewith set their hands and affixed their seals this seventh day of May, A. D. one thousand eight hundred and sixty-four.

W. P. DOLE, [Seal.]

Commr. Ind. Affairs.

CLARK W. THOMPSON, [Seal.]

Supt. Ind. Affairs.

QUE-WE-ZANCE, or HOLE-IN-THE-DAY,
his x mark. [Seal.]

MIS-QUA-DACE, or TURTLE,
his x mark. [Seal.]

Signed in presence of
PETER ROY, Special Interpreter.
BENJN. THOMPSON.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the ninth day of February, one thousand eight hundred and sixty-five, advise and consent to the ratification of the same, with an amendment, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
WASHINGTON, February 9, 1865.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at the city of Washington this [the] seventh day of March, [May,] A. D. 1864, between Wm. P. Dole, Commissioner of Indian Affairs, and Clark W. Thompson, Superintendent of Indian Affairs for the northern superintendency, on the part of the United States, and the Chippewa chiefs, Hole-in-the-day and Mis-quah-dace, for and on behalf of the Chippewas of the Mississippi, Pillager and Lake Winnebagoish bands of Chippewa Indians in Minnesota with the following

AMENDMENT:

Add to article twelve the following proviso:

Provided, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct.

Attest:

J. W. FORNEY,
Secretary.

And whereas the foregoing amendment having been fully interpreted and explained to Que-we-zance, or Hole-in-the-day, he did, in behalf of the Indians concerned, on the fourteenth day of February, one thousand eight hundred and sixty-five, give his free and voluntary assent to the same, in the words and figures following, to wit:

WASHINGTON CITY, D. C.,
February 14th, 1865.

The amendment to article XII of the foregoing treaty, in the following words, viz:

"*Provided*, That those of the tribe residing on the Sandy Lake reservation shall not be removed until the President shall so direct," having been made at my instance, I, in behalf of the Indians concerned, do hereby assent thereto.

QUE-WE-ZANCE, or HOLE-IN-THE-DAY, his x mark.

Signed in presence of
ASHTON S. H. WHITE.
CHARLES E. MIX.
PAUL H. BRAULIEU, Interpreter.
PETER ROY,

Now, therefore, be it known that I, ABRAHAM LINCOLN, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in their resolution of the ninth of February, one thousand

eight hundred and sixty-five, accept, ratify, and confirm the said Treaty, with the amendment, as aforesaid.

In testimony whereof, I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this twentieth day of March, in the year
(SEAL.] of our Lord one thousand eight hundred and sixty-five, and of the
Independence of the United States the eighty-ninth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

1861

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

KLAMATH AND MOADOC TRIBES AND YAHOOSSKIN BAND
OF SNAKE INDIANS.

CONCLUDED OCTOBER 14, 1851.
RATIFICATION ADVISED. WITH AMENDMENTS. JULY 2, 1853.
AMENDMENTS ASSENTED TO DECEMBER 10, 1853.
PROCLAIMED FEBRUARY 17, 1870.





ULYSSES S. GRANT,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Klamath Lake, in the State of Oregon, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty four, by and between J. W. Perit Huntington and William Logan, Commissioners, on the part of the United States, and La-Lake, Chil-o-que-nas, and other Chiefs and Headmen of the Klamath tribe of Indians; Schon-chin, Stak-it-ut, and other Chiefs and Headmen of the Modoc tribe of Indians, and Kile-to-ak and Sky-te-ock-et, Chiefs and Headmen of the Yahooskin band of Snake Indians, respectively, on the part of said tribes and band of Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the fourteenth day of October, A. D. one thousand eight hundred and sixty-four, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, and William Logan, United States Indian agent for Oregon, on the part of the United States, and the Chiefs and Headmen of the Klamath and Modoc tribes, and Yahooskin band of Snake Indians, hereinafter named, to wit: La-Lake, Chil-o-que-nas, Kellogue, Mo-ghen-kas-kit, Blow, Le-hi, Palmer, Jack, Que-as, Poo-sak-sult, Che-mult, No-ak-sum, Mooch-kat-allick, Toon-tuck-te, Boos-ki-yon, Ski-a-tie, Shol-las-loos, Ta-tet-pas, Muk-has, Herman-koos-mam, Chiefs and Headmen of the Klamaths, Schon-chin, Stak-it-ut, Keint-poos, Chuck-e-i-ox, Chiefs and Headmen of the Modocs, and Kile-to-ak and Sky-te-ock-et, Chiefs of the Yahooskin band of Snakes.

ARTICLE I.

The tribes of Indians aforesaid cede to the United States all their right, title, and claim to all the country claimed by them, the same being determined by the following boundaries, to wit: Beginning at the point where the 44th parallel of north latitude crosses the summit of the Cascade mountains; thence following the main dividing ridge of said mountains in a southerly direction to the ridge which separates the waters of Pitt and McCloud rivers from the waters on the north; thence along said dividing ridge in an easterly direction to the southern end of Goose lake; thence northeasterly to the northern end of Harney lake; thence due north to the 44th parallel of north latitude; thence west to the place of beginning: *Provided*, That the following described tract, within the country ceded by this treaty, shall, until otherwise directed by the President of the United States, be set apart as a residence for said Indians, held and regarded as an Indian reservation, to wit: Beginning upon the eastern shore of the middle Klamath lake, at the Point of Rocks, about twelve miles below the mouth of Williamson's

river; thence following up said eastern shore to the mouth of Wood river; thence up Wood river to a point one mile north of the bridge at Fort Klamath; thence due east to the summit of the ridge which divides the upper and middle Klamath lakes; thence along said ridge to a point due east of the north end of the upper lake; thence due east, passing the said north end of the upper lake, to the summit of the mountains on the east side of the lake; thence along said mountain to the point where Sprague's river is intersected by the Ish-tish-ee-wax creek; thence in a southerly direction to the summit of the mountain, the extremity of which forms the Point of Rocks; thence along said mountain to the place of beginning. And the tribes aforesaid agree and bind themselves that, immediately after the ratification of this treaty, they will remove to said reservation and remain thereon, unless temporary leave of absence be granted to them by the superintendent or agent having charge of the tribes.

It is further stipulated and agreed that no white person shall be permitted to locate or remain upon the reservation, except the Indian superintendent and agent, employes of the Indian Department, and officers of the army of the United States, guaranteed that in case persons other than those specified are found upon the reservation, they shall be immediately expelled therefrom; and the exclusive right of taking fish in the streams and lakes, included in said reservation, and of gathering edible roots, seeds, and berries within its limits, is hereby secured to the Indians aforesaid: *Provided, also*, That the right of way for public roads and railroads across said reservation is guaranteed to citizens of the United States.

ARTICLE II.

In consideration of and in payment for the country ceded by this treaty, the United States agree to pay to the tribes conveying the same the several sums of money herein-after enumerated, to wit: Eight thousand dollars per annum for a period of five years, commencing on the first day of October, 1865, or as soon thereafter as this treaty may be ratified; five thousand dollars per annum for the the term of five years next succeeding the first period of five years; and three thousand dollars per annum for the term of five years next succeeding the second period; all of which several sums shall be applied to the use and benefit of said Indians by the superintendent or agent having charge of the tribes, under the direction of the President of the United States, who shall, from time to time, in his discretion, determine for what objects the same shall be expended, so as to carry out the design of the expenditure, [it] being to promote the well-being of the Indians, advance them in civilization, and especially agriculture, and to secure their moral improvement and education.

ARTICLE III.

The United States agree to pay said Indians the additional sum of thirty-five thousand dollars, a portion whereof shall be used to pay for such articles as may be advanced to them at the time of signing this treaty, and the remainder shall be applied to subsisting the Indians during the first year after their removal to the reservation, the purchase of teams, farming implements, tools, seeds, clothing, and provisions, and for the payment of the necessary employes.

ARTICLE IV.

The United States further agree that there shall be erected at suitable points on the reservation, as soon as practicable after the ratification of this treaty, one saw-mill, one flouring mill, suitable buildings for the use of the blacksmith, carpenter, and wagon and plough maker, the necessary buildings for one manual labor school, and such hospital buildings as may be necessary, which buildings shall be kept in repair at the

expense of the United States for the term of twenty years; and it is further stipulated that the necessary tools and material for the saw-mill, flour-mill, carpenter, blacksmith, and wagon and plough maker's shops, and books and stationery for the manual labor school, shall be furnished by the United States for the period of twenty years.

ARTICLE V.

The United States further engage to furnish and pay for the services and subsistence, for the term of fifteen years, of one superintendent of farming operations, one farmer, one blacksmith, one sawyer, one carpenter, and one wagon and plough maker, and for the term of twenty years of one physician, one miller, and two school teachers.

ARTICLE VI.

The United States may, in their discretion, cause a part or the whole of the reservation provided for in article I to be surveyed into tracts and assigned to members of the tribes of Indians, parties to this treaty, or such of them as may appear likely to be benefited by the same, under the following restrictions and limitations, to wit: To each head of a family shall be assigned and granted a tract of not less than forty nor more than one hundred and twenty acres, according to the number of persons in such family; and to each single man above the age of twenty-one years a tract not exceeding forty acres. The Indians to whom these tracts are granted are guaranteed the perpetual possession and use of the tracts thus granted and of the improvements which may be placed thereon; but no Indian shall have the right to alienate or convey any such tract to any person whatsoever, and the same shall be forever exempt from levy, sale, or forfeiture: *Provided*, That the Congress of the United States may hereafter abolish these restrictions and permit the sale of the lands so assigned, if the prosperity of the Indians will be advanced thereby: *And provided further*, If any Indian, to whom an assignment of land has been made, shall refuse to reside upon the tract so assigned for a period of two years, his right to the same shall be deemed forfeited.

ARTICLE VII.

The President of the United States is empowered to declare such rules and regulations as will secure to the family, in case of the death of the head thereof, the use and possession of the tract assigned to him, with the improvements thereon.

ARTICLE VIII.

The annuities of the tribes mentioned in this treaty shall not be held liable or taken to pay the debts of individuals.

ARTICLE IX.

The several tribes of Indians, parties to this treaty, acknowledge their dependence upon the government of the United States, and agree to be friendly with all citizens thereof, and to commit no depredations upon the person or property of said citizens, and to refrain from carrying on any war upon other Indian tribes; and they further agree that they will not communicate with or assist any persons or nation hostile to the United States, and, further, that they will submit to and obey all laws and regulations which the United States may prescribe for their government and conduct.

ARTICLE X.

It is hereby provided that if any member of these tribes shall drink any spirituous liquor, or bring any such liquor upon the reservation, his or her proportion of the benefits of this treaty may be withheld for such time as the President of the United States may direct.

ARTICLE XI.

It is agreed between the contracting parties that if the United States, at any future time, may desire to locate other tribes upon the reservation provided for in this treaty, no objection shall be made thereto; but the tribes, parties to this treaty, shall not, by such location of other tribes, forfeit any of their rights or privileges guaranteed to them by this treaty.

ARTICLE XII.

This treaty shall bind the contracting parties whenever the same is ratified by the Senate and President of the United States.

In witness of which, the several parties named in the foregoing treaty have hereunto set their hands and seals at the place and date above written.

J. W. PERIT HUNTINGTON, [SEAL.]

Supt. Indian Affairs.

WILLIAM LOGAN, [SEAL.]

U. S. Indian Agt.

LA-LAKE, his x mark. [SEAL.]

CHIL-O-QUE-NAS, his x mark. [SEAL.]

KELLOGUE, his x mark. [SEAL.]

MO-GHEN-KAS-KIT, his x mark. [SEAL.]

BLOW, his x mark. [SEAL.]

LE-LU, his x mark. [SEAL.]

PALMER, his x mark. [SEAL.]

JACK, his x mark. [SEAL.]

QUE-ASS, his x mark. [SEAL.]

POO-SAK-SULT, his x mark. [SEAL.]

CHE-MULT, his x mark. [SEAL.]

NO-AK-SUM, his x mark. [SEAL.]

MOOCH-KAT-ALLICK, his x mark. [SEAL.]

TOON-TUC-TEE, his x mark. [SEAL.]

BOSS-KI-YOU, his x mark. [SEAL.]

SKI-AT-TIC, his x mark. [SEAL.]

SHOL-LAL-LOOS, his x mark. [SEAL.]

TAT-TET-PAS, his x mark. [SEAL.]

MUK-I-AS, his x mark. [SEAL.]

HERMAN-KUS-MAM, his x mark. [SEAL.]

JACKSON, his x mark. [SEAL.]

SCHON-CHUN, his x mark. [SEAL.]

STAK-IT-UT, his x mark. [SEAL.]

KEINT-POOS, his x mark. [SEAL.]

CHUCK-E-LOX, his x mark. [SEAL.]

KILE-TO-AK, his x mark. [SEAL.]

SKY-TE-OCK-ET, his x mark. [SEAL.]

Signed in the presence of—

R. P. FARHART, *Secretary.*

WM. KELLY,

Capt. 1st Cav., Oregon Volunteers.

JAMES HALLORAN,

2d Lieut. 1st Inf., W. T. Vols.

WILLIAM C. MCKAY, *M. D.*

^{his}
ROBERT X BIDDLE.

notk.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 2, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the 14th of October, 1864, by the Commissioners on the part of the United States and the Klamath and Moadoc tribes and Yahooskin band of Snake Indians, with the following

AMENDMENTS:

1st. Article 1, paragraph 2, line 3, strike out the word "guaranteed," and insert in lieu thereof the word *and*.

2d. Same article, same paragraph, line 7, strike out the word "guaranteed," and insert in lieu thereof the word *reserved*.

Attest:

J. W. FORNEY,

Secretary.

And whereas, the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the aforementioned Klamath and Moadoc tribes and Yahooskin band of Snake Indians, whose names are hereinafter signed, they did, on the tenth day of December, one thousand eight hundred and sixty-nine, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the second day of July, A. D. 1866, advise and consent to the ratification of the Articles of Agreement and Convention made and concluded at Klamath Lake, Oregon, on the 14th of October, 1864, by the Commissioners on the part of the United States and the Klamath and Moadoc tribes and the Yahooskin band of Snake Indians, with the following amendments:

1st. Article 1, paragraph 2, line 3, strike out the word "guaranteed," and insert in lieu thereof the word *and*.

2d. Same article, same paragraph, line 7, strike out the word "guaranteed," and insert in lieu thereof the word *reserved*.

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Headmen of the aforesaid Klamath and Moadoc tribes and Yahooskin band of Snake Indians, we do hereby agree and assent to the same.

Done at Klamath Agency, Oregon, on this tenth day of December, A. D., 1869.

In witness of which, the several parties named in the said Treaty have hereunto set their hands and seals, at the place and date above written.

A. B. MEACHAM, [SEAL.]
Supt. Ind. Affairs.

O. C. KNAPP, [SEAL.]
U. S. Ind. Agent.

ALLAN DAVIE, signed as BOSS KIYOU,	his x mark.	[SEAL.]
LE-LAKE,	his x mark.	[SEAL.]
CHILO-QUE-NOS,	his x mark.	[SEAL.]
MO-GHEN-KAS-KIT,	his x mark.	[SEAL.]
BLOW,	his x mark.	[SEAL.]
LE-LU,	his x mark.	[SEAL.]
PALMER,	his x mark.	[SEAL.]
JACK,	his x mark.	[SEAL.]
QUE-ALL,	his x mark.	[SEAL.]
POO SAK,	his x mark.	[SEAL.]
CHE-MULT,	his x mark.	[SEAL.]
NO-AK-SUM,	his x mark.	[SEAL.]
MOOCH-KAT-ALLICK,	his x mark.	[SEAL.]
TOON-TUC-TE,	his x mark.	[SEAL.]
SHOL-LAL-LOOS,	his x mark.	[SEAL.]
TAT-TET-POS,	his x mark.	[SEAL.]
MUCK-IAS,	his x mark.	[SEAL.]
HERMAN-KUS-MAN,	his x mark.	[SEAL.]
JACKSON,	his x mark.	[SEAL.]
SCHON-CHIN,	his x mark.	[SEAL.]
KILE-TO-AK,	his x mark.	[SEAL.]
STAK-IT-UT,	his x mark.	[SEAL.]
KEINT-POOS,	his x mark.	[SEAL.]

Signed in the presence of:—

WM. C. MCKAY, *Secretary.*

J. D. APPLGATE.

JNO. MEACHAM.

Now, therefore, be it known that I, ULYSSES S. GRANT, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty, with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this seventeenth day of February, in the year of
[SEAL.] our Lord one thousand eight hundred and seventy, and of the Independence
of the United States of America the ninety-fourth.

U. S. GRANT.

By the President:

HAMILTON FISH,

Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHIPPEWA INDIANS OF SAGINAW, SWAN CREEK, AND BLACK
RIVER, MICHIGAN.

CONCLUDED OCTOBER 18, 1864.

RATIFICATION ADVISED, WITH AMENDMENTS, MAY 22, 1866.

AMENDMENTS ACCEPTED JUNE 18, 1866.

PROCLAIMED AUGUST 16, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME. GREETING:

Whereas a Treaty was made and concluded at Isabella, in the State of Michigan, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-four, by and between H. J. Alvord and D. C. Leach, Commissioners, on the part of the United States, and S. D. Simonds, Lyman Bennett, Jno. Pay-me-quo-ung, and other Chiefs and Headmen of the Chippewa Indians of Saginaw, Swan Creek, and Black River, in the State of Michigan, representing said Indians and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at the Isabella Indian reservation, in the State of Michigan, on the eighteenth day of October, in the year one thousand eight hundred and sixty-four, between H. J. Alvord, Special Commissioner for the United States, and D. C. Leach, United States Indian agent, acting as commissioners for and on the part of the United States, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan aforesaid, parties to the Treaty of August 2nd, 1855, as follows, viz:

ARTICLE 1.

The said Chippewas of Saginaw, Swan creek, and Black river, for and in consideration of the conditions hereinafter specified, do hereby release to the United States the several townships of land reserved to said tribe by said treaty aforesaid, situate and being upon Saginaw bay, in said State.

The said Indians also agree to relinquish to the United States all claim to any right they may possess to locate lands in lieu of lands sold or disposed of by the United States upon their reservation at Isabella, and also the right to

purchase the unselected lands in said reservation; as provided for in the 1st article of said treaty.

ARTICLE 2.

In consideration of the foregoing relinquishments, the United States hereby agree to set apart for the exclusive use, ownership, and occupancy of the said *of the said* Chippewas of Saginaw, Swan creek, and Black river, all of the unsold lands within the six townships in Isabella county, reserved to said Indians by the treaty of August 2nd, 1855, aforesaid, and designated as follows, viz:

The north half of township fourteen, and townships fifteen and sixteen north, of range three west; the north half of township fourteen and township fifteen north, of range four west, and townships fourteen and fifteen north, of range five west.

ARTICLE 3.

So soon as practicable after the ratification of this treaty, the persons who have heretofore made selections of lands within the townships upon Saginaw bay, hereby relinquished, may proceed to make selections of lands upon the Isabella reservation, in lieu of their selections aforesaid, and in like quantities.

After a reasonable time shall have been given for the parties aforesaid to make their selections in lieu of those relinquished, the other persons entitled thereto may then proceed to make their selections, in quantities as follows, viz:

For each chief of said Indians who signs this treaty, eighty acres in addition to their selections already made, and to patents in fee simple.

For one headman in each band into which said Indians are now divided, forty acres, and to patents in fee simple.

For each person being the head of a family, eighty acres.

For each single person over the age of twenty-one years, forty acres.

For each orphan child under the age of twenty-one years, forty acres.

For each married female who has not heretofore made a selection of land, forty acres.

And for each other person now living or who may be born hereafter, when he or she shall have arrived at the age of twenty-one years, forty acres, so long as any of the lands in said reserve shall remain unselected, and no longer.

In consideration of important services rendered to said Indians during many years past by William Smith, John Collins 1st, Andrew J. Campeau, and Thomas Chatfield, it is hereby agreed that they shall each be allowed to select eighty acres in addition to their previous selections, and receive patents therefor in fee simple; and to Charles H. Rodd, eighty acres, and a patent therefor in fee simple, to be received by said Rodd as a full consideration and payment of all claims he may have against said Indians except claims against individuals for services rendered or money expended heretofore by said Rodd for the benefit of said Indians.

It is understood and agreed that those Ottawas and Chippewas and Pottawatomes now belonging to the bands of which Metayomeig, May-me-she-gaw-day, Keeche-kebe-me-mo-say, and Waw-be-maw-ing-gun are chiefs, who have heretofore made selections upon said reservations, by permission of said Chippewas of Saginaw, Swan creek, and Black river, who now reside upon said reservation in Isabella county, or who may remove to said reservation within one year after the

ratification of this treaty, shall be entitled to the same rights and privileges to select and hold land as are contained in the third article of this agreement.

So soon as practicable after the ratification of this treaty, the agent for the said Indians shall make out a list of all those persons who have heretofore made selections of lands under the treaty of August 2nd, 1855, aforesaid, and of those who may be entitled to selections under the provisions of this treaty, and he shall divide the persons enumerated in said list into two classes, viz: "competent" and "those not so competent."

Those who are intelligent, and have sufficient education, and are qualified by business habits to prudently manage their affairs, shall be set down as "competents," and those who are uneducated, or unqualified in other respects to prudently manage their affairs, or who are of idle, wandering, or dissolute habits, and all orphans, shall be set down as "those not so competent."

The United States agrees to issue patents to all persons entitled to selections under this treaty, as follows, viz: To those belonging to the class denominated "competents," patents shall be issued in fee simple, but to those belonging to the class of "those not so competent," the patent shall contain a provision that the land shall never be sold or alienated to any person or persons whomsoever, without the consent of the Secretary of the Interior for the time being.

ARTICLE 4.

The United States agrees to expend the sum of twenty thousand dollars for the support and maintenance of a manual labor school upon said reservation: *Provided*, That the Missionary Society of the Methodist Episcopal Church shall, within three years after the ratification of this treaty, at its own expense, erect suitable buildings for school and boarding-house purposes, of a value of not less than three thousand dollars, upon the southeast quarter of section nine, township fourteen north, of range four west, which is hereby set apart for that purpose.

The superintendent of public instruction, the lieutenant governor of the State of Michigan, and one person, to be designated by said Missionary Society, shall constitute a board of visitors, whose duty it shall be to visit said school once during each year, and examine the same, and investigate the character and qualifications of its teachers, and all other persons connected therewith, and report thereon to the Commissioner of Indian Affairs.

The said Missionary Society of the Methodist Episcopal Church shall have full and undisputed control of the management of said school, and the farm attached thereto. Upon the approval and acceptance of the school and boarding-house buildings by the board of visitors, the United States will pay to the authorized agent of said Missionary Society, for the support and maintenance of the school, the sum of two thousand dollars, and the like sum annually thereafter, until the whole sum of twenty thousand dollars shall have been expended.

The United States reserves the right to suspend the annual appropriation of two thousand dollars for said school, in part or in whole, whenever it shall appear that said Missionary Society neglects or fails to manage the affairs of said school and farm in a manner acceptable to the board of visitors aforesaid; and if, at any time within a period of ten years after the establishment of said school, said Missionary Society shall abandon said school or farm for the purposes intended in this treaty, then, and in such case, said society shall forfeit all of its rights and

franchises under this treaty, and it shall then be competent for the Secretary of the Interior to sell or dispose of the land hereinbefore designated, together with the buildings and improvements thereon and expend the proceeds of the same for the educational interests of the Indians in such manner as he may deem advisable.

At the expiration of ten years after the establishment of said school, if said Missionary Society shall have conducted said school and farm in a manner acceptable to the board of visitors during said ten years, the United States will convey to said society the land before mentioned by patent in fee-simple.

In case said Missionary Society shall fail to accept the trust herein named within one year after the ratification of this treaty, then, and in that case, the said twenty thousand dollars shall be placed to the credit of the educational fund of said Indians, to be expended for their benefit in such manner as the Secretary of the Interior may deem advisable.

It is understood and agreed that said Missionary Society may use the school-house, now standing upon land adjacent to the land hereinbefore set apart for a school-farm, where it now stands, or move it upon the land so set apart.

ARTICLE 5.

The said Indians agree that, of the last two payments of eighteen thousand eight hundred dollars each, provided for by the said treaty of August 2nd, 1855, the sum of seventeen thousand six hundred dollars may be withheld, and the same shall be placed to the credit of their agricultural fund, to be expended for their benefit in sustaining their blacksmith shop, in stock, animals, agricultural implements, or in such other manner as the Secretary of the Interior may deem advisable.

ARTICLE 6.

The Commissioner of Indian Affairs may, at the request of the chiefs and headmen, sell the mill and land belonging thereto at Isabella City, on said reservation, and apply the proceeds thereof for such beneficiary objects as may be deemed advisable by the Secretary of the Interior.

ARTICLE 7.

Inasmuch as the mill belonging to said Indians is partly located upon land heretofore selected by James Nicholson, it is hereby agreed that upon a relinquishment of ten acres of said land by said Nicholson, in such form as may be determined by the agent for said Indians, he, the said Nicholson, shall be entitled to select eighty acres and to receive a patent therefor in fee simple.

ARTICLE 8.

It is hereby expressly understood that the eighth article of the treaty of August 2, 1855, shall in nowise be affected by the terms of this treaty.

In testimony whereof, the said H. J. Alvord and the said D. C. Leach, commissioners as aforesaid, and the undersigned chiefs and headmen of the Chippewas

of Saginaw, Swan creek, and Black river, have hereto set their hands and seals at Isabella, in the State of Michigan, the day and year first above written.

H. J. ALVORD, [SEAL.]

D. C. LEACH, [SEAL.]

Special Commissioners.

In the presence of—

RICHD. M. SMITH.

CHARLES H. RODD, *U. S. Interpreter.*

GEORGE BRADLEY.

S. D. SIMONDS, chief,	his x mark.	[SEAL.]
LYMAN BENNETT, headman,	his x mark.	[SEAL.]
JNO. PAY-ME-QUO-UNG, chief,	his x mark.	[SEAL.]
WILLIAM SMITH, headman,	his x mark.	[SEAL.]
NAUCK-CHE-GAW-ME, chief,	his x mark.	[SEAL.]
ME-SQUAW-WAW-NAW-QUOT, headman,	his x mark.	[SEAL.]
THOMAS DUTTON, chief,	his x mark.	[SEAL.]
PAIM-WAY-WE-DUNG, headman,	his x mark.	[SEAL.]
ELLIOTT KAYBAY, chief,	his x mark.	[SEAL.]
SOLOMON OTTAWA, headman,	his x mark.	[SEAL.]
ANDW. O-SAW-WAW-BUN, chief,	his x mark.	[SEAL.]
THOS. WAIN-DAW-NAW-QUOT, headman,	his x mark.	[SEAL.]
NAW-TAW-WAY, chief,	his x mark.	[SEAL.]
I-KAY-CHE-NO-TING, headman,	his x mark.	[SEAL.]
WILLIAM SMITH, chief,	his x mark.	[SEAL.]
NAW-GAW-NEVAY-WE-DUNG, headman,	his x mark.	[SEAL.]
NAW-WE-KE-ZHICK, chief,	his x mark.	[SEAL.]
I, YALK, headman,	his x mark.	[SEAL.]
NAY-AW-BE-TUNG, chief,	his x mark.	[SEAL.]
JOS. WAW-BE-KE-ZHICK, headman,	his x mark.	[SEAL.]
SAML. MEZ-HAW-QUAW-NAW-UM, chief,	his x mark.	[SEAL.]
JOHN P. WILLIAMS, headman,	his x mark.	[SEAL.]
L. PAY-BAW-MAW-SHE, chief,	his x mark.	[SEAL.]
NE-GAW-NE-QUO-UM, headman,	his x mark.	[SEAL.]
DAVID FISHER, chief,	his x mark.	[SEAL.]
WAW-BE-MAN-I-DO, headman,	his x mark.	[SEAL.]
NE-BE-NAY-AW-NAW-QUOT-WAY-BE, chief,	his x mark.	[SEAL.]
KEY-O-GWAW-NAY-BE, headman,	his x mark.	[SEAL.]

In the presence of—

RICHD. M. SMITH,

CHARLES H. RODD, *U. S. Interpreter.*

AMOS F. ALBRIGHT, *Supt. Mills.*

MARCUS GRINNELL, *U. S. Blacksmith.*

M. D. BOUBASSA,

F. C. BABBITT,

GEORGE BRADLEY.

ISABELLA CITY, MICHIGAN, Oct. 21, 1864.

To H. J. ALVORD, Esq.,

Special Com'r, &c.

Interpreter Charles H. Rodd having fully explained and interpreted to me the treaty made by you and Indian Agent Leach, special com'rs, &c., with the Chip-

peawas of Saginaw, Swan creek, and Black river, Michigan, and concluded the 18th instant, you are hereby authorized to put my name to the same along with the other chiefs.

NAY-AW-BE-TUNG, his x mark,
Chief Chippewas of Saginaw, Swan Creek, and Black River, Michn.

In the presence of—

CHAS. H. RODD, *U. S. Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

May 22, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement and convention concluded at the Isabella Indian Reservation, in the State of Michigan, on the 18th day of October, 1864, between the United States, by their Commissioners, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan, with the following

AMENDMENTS:

1st. Article 4, after the word "rights," at the end of line 11, insert the following: *in the lands, buildings.*

2d. Same article, page 13, line 7, strike out the words "in fee simple," and insert in lieu thereof the following: *in trust for the benefit of said Indians.*

3d. Article 7, after the word "acres," in line 9, insert as follows: *of land, subject to the approval of the Secretary of the Interior.*

Attest:

J. W. FORNEY,
Secretary

And whereas the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the Chippewa Indians of Saginaw, Swan Creek, and Black River, whose names are subscribed to the writing hereto following, they did, on the eighteenth day of June, one thousand eight hundred and sixty-six, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

Whereas, the Senate of the United States, in executive session, did, on the 22nd day of May, A. D. 1866, advise and consent to the ratification of the articles of agreement and convention concluded at the Isabella Indian Reservation, in the State of Michigan, on the 18th day of October, 1864, between the United States, by their Commissioners, and the Chippewas of Saginaw, Swan Creek, and Black River, in the State of Michigan, with the following amendments, viz:

1st. Article 4, after the word "rights," at the end of line 11, insert the following: *in the lands, buildings.*

2d. Same article, page 13, line 7, strike out the words "in fee simple," and insert in lieu thereof the following: *in trust for the benefit of said Indians.*

3d. Article 7, after the word "acres," in line 9, insert as follows: *of land, subject to the approval of the Secretary of the Interior.*

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned, Chiefs and Headmen of the Chippewas of Saginaw, Swan Creek, and Black River, we do hereby agree to and ratify the same.

Done at the Mackinac Agency, in the State of Michigan, on this 18th day of June, 1866.

S. D. SIMONDS, chief,	his x mark.	[SEAL]
LYMAN BENNETT, headman,	his x mark.	[SEAL]
JOHN PAY-ME-QUO-UNG, chief,	his x mark.	[SEAL]
WILLIAM SMITH, headman,	his x mark.	[SEAL]
ANDREW O-SAW-WAW-BUN, chief,	his x mark.	[SEAL]
JAMES KAW-GE-GAY-O-SAY, headman,	his x mark.	[SEAL]
NAW-TAW-WAY, chief,	his x mark.	[SEAL]
KAY-SHE-SHAW-WAY, headman,	his x mark.	[SEAL]
WILLIAM SMITH, chief,	his x mark.	[SEAL]
WILLIAM HART, headman,	his x mark.	[SEAL]
NAW-WE-KE-ZHICK, chief,	his x mark.	[SEAL]
I-YALK, headman,	his x mark.	[SEAL]
NAY-AW-BE-TUNG, chief,	his x mark.	[SEAL]
KAW-GE-GAY-BE, headman,	his x mark.	[SEAL]
SAML MEZHAW-QUAW-NAW-RUN, chief,	his x mark.	[SEAL]
JOHN P. WILLIAMS, headman,	his x mark.	[SEAL]
L. PAY-BAW-WAW-SHE, chief,	his x mark.	[SEAL]
NE-GAW-NE-QUO-UM, headman,	his x mark.	[SEAL]
NAUCK-CHE-GAW-ME, chief,	his x mark.	[SEAL]
ME-SQUAW-WAW-NAW-QUOT, headman,	his x mark.	[SEAL]
ELIJAH PILCHER, chief,	his x mark.	[SEAL]
PAIM-WAY-WE-DUNG, headman,	his x mark.	[SEAL]
DAVID FISHER, chief,	his x mark.	[SEAL]
WAW-BE-MAW-NE-DO, headman,	his x mark.	[SEAL]
NE-BE-NAY-AW-NAW-QUOT-WAY-BE, chief,	his x mark.	[SEAL]
KEY-O-GWAW-NAY-BE, headman,	his x mark.	[SEAL]
ELLIOTT KAY-BAY, chief,	his x mark.	[SEAL]

In the presence of—

RICHD. M. SMITH, *U. S. Indian Agent.*
 CHAS. R. RODD, *U. S. Interpreter.*
 AMOS F. ALBRIGHT, *Supt. Mill.*
 JOHN IRONS, *Missionary.*
 GEORGE BRADLEY, *late Missionary.*
 W. H. NELSON, *Judge Probate Isabella co., Michn.*
 F. C. BABBITT, *Postmaster Isabella city, Michn.*
 L. BENTLY, *Treasurer Isabella co., Michn.*
 MILTON BRADLEY, *Clerk Isabella co., Michn.*
 P. C. ANDRÉ, *Special Interpreter.*

OFFICE MACKINAC INDIAN AGENCY,
Detroit, July 7, 1866.

I do hereby certify on honor that the foregoing amendments to the treaty negotiated with the Chippewas of Saginaw, Swan Creek, and Black River, within this agency, the 18th day of October, 1864, were by me submitted to the said Indians, and that the same were duly assented to and ratified by them.

RICHD. M. SMITH,
U. S. Indian Agent.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this sixteenth day of August, in the year of [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD.

Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

OMAHA TRIBE OF INDIANS.

CONCLUDED MARCH 6, 1865.

RATIFICATION ADVISED FEBRUARY 13, 1866.

PROCLAIMED FEBRUARY 15, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the sixth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between Clark W. Thompson and Robert W. Furnas, Commissioners, on the part of the United States, and E-sta-mah-zha, or Joseph La Flesche, Gra-ta-mah-zhe, or Standing Hawk, Ga-he-ga-zhin-ga, or Little Chief, Tah-wah-ga-ha, or Village Maker, Wah-no-ke-ga, or Noise, Sha-da-na-ge, or Yellow Smoke, Wastch-com-ma-nu, or Hard Walker, Pad-a-ga-he, or Fire Chief, Ta-su, or White Cow, and Ma-ha-nin-ga, or No Knife, Chiefs of the Omaha Tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

ARTICLES OF TREATY made and concluded at Washington, D. C., on the sixth day of March, A. D. 1865, between the United States of America, by their commissioners, Clark W. Thompson and Robert W. Furnas, and the Omaha tribe of Indians, by their chiefs, E-sta-mah-za, or Joseph La Flesche; Gra-ta-mah-zhe, or Standing Hawk; Ga-he-ga-zhin-ga, or Little Chief; Tah-wah-gah-ha, or Village Maker; Wah-no-ke-ga, or Noise; Sha-da-na-ge, or Yellow Smoke; Wastch-com-ma-nu, or Hard Walker; Pad-a-ga-he, or Fire Chief; Ta-su, or White Cow; Ma-ha-nin-ga, or No Knife.

ARTICLE 1st.

The Omaha tribe of Indians do hereby cede, sell, and convey to the United States a tract of land from the north side of their present reservation, defined and bounded as follows, viz: commencing at a point on the Missouri river four miles due south from the north boundary line of said reservation, thence west ten miles, thence south four miles, thence west to the western boundary line of the reservation, thence north to the northern boundary line, thence east to the Missouri river, and thence south along the river to the place of beginning; and that the said Omaha tribe of Indians will vacate and give possession of the lands ceded by this treaty immediately after its ratification: *Provided*, That nothing herein contained shall be construed to include any of the lands upon which the said Omaha tribe of Indians have now improvements, or any land or improvements belonging to, connected with, or used for the benefit of the Missouri school now in existence upon the Omaha reservation.

ARTICLE 2nd.

In consideration of the foregoing cession the United States agree to pay to the said Omaha tribe of Indians the sum of fifty thousand dollars, to be paid upon the ratification of this treaty, and to be expended by their agent, under the direction of the Commissioner of Indian Affairs, for goods, provisions, cattle, horses, construction of buildings, farming implements, breaking up lands, and other improvements on their reservation.

ARTICLE 3rd.

In further consideration of the foregoing cession, the United States agree to extend the provisions of article 8 of the treaty between the Omaha tribe of Indians and the United States, made on the 16th day of March, A. D. 1854, for a term of ten years from and after the ratification of this treaty; and the United States further agree to pay to the said Omaha tribe of Indians, upon the ratification of this treaty, the sum of seven thousand dollars as damages in consequence of the occupancy of a portion of the Omaha reservation not hereby ceded, and use and destruction of timber by the Winnebago tribe of Indians while temporarily residing thereon.

ARTICLE 4th.

The Omaha Indians being desirous of promoting settled habits of industry and enterprise amongst themselves by abolishing the tenure in common by which they now hold their lands, and by assigning limited quantities thereof in severalty to the members of the tribe, including their half or mixed blood relatives now residing with them, to be cultivated and improved for their own individual use and benefit, it is hereby agreed and stipulated that the remaining portion of their present reservation shall be set apart for said purposes; and that out of the same there shall be assigned to each head of a family not exceeding one hundred and sixty acres, and to each male person, eighteen years of age and upwards, without family, not exceeding forty acres of land—to include in every case, as far as practicable, a reasonable proportion of timber; six hundred and forty acres of said lands, embracing and surrounding the present agency improvements, shall also be set apart and appropriated to the occupancy and use of the agency for said Indians. The lands to be so assigned, including those for the use of the agency, shall be in as regular and compact a body as possible, and so as to admit of a distinct and well-defined exterior boundary. The whole of the lands, assigned or unassigned, in severalty, shall constitute and be known as the Omaha reservation, within and over which all laws passed or which may be passed by Congress regulating trade and intercourse with the Indian tribes shall have full force and effect, and no white person, except such as shall be in the employ of the United States, shall be allowed to reside or go upon any portion of said reservation without the written permission of the superintendent of Indian affairs or the agent for the tribe. Said division and assignment of lands to the Omahas in severalty shall be made under the direction of the Secretary of the Interior, and when approved by him, shall be final and conclusive. Certificates shall be issued by the Commissioner of Indian Affairs for the tracts so assigned, specifying the names of the individuals to whom they have been assigned respectively, and that they are for the exclusive use and benefit of themselves, their heirs, and descendants; and said tracts shall not be alienated in fee, leased, or otherwise

disposed of except to the United States or to other members of the tribe, under such rules and regulations as may be prescribed by the Secretary of the Interior, and they shall be exempt from taxation, levy, sale, or forfeiture, until otherwise provided for by Congress.

ARTICLE 5th.

It being understood that the object of the Government in purchasing the land herein described is for the purpose of locating the Winnebago tribe thereon, now, therefore, should their location there prove detrimental to the peace, quiet, and harmony of the whites as well as of the two tribes of Indians, then the Omahas shall have the privilege of re-purchasing the land herein ceded upon the same terms they now sell.

In testimony whereof, the said Clark W. Thompson and Robert W. Furnas, commissioners as aforesaid, and the said chiefs and delegates of the Omaha tribe of Indians, have hereunto set their hands and seals at the place and on the day and year hereinbefore written.

CLARK W. THOMPSON,
R. W. FURNAS,
Commissioners.

E-STA-MAH-ZHA, or Joseph La Flesche, his x mark.	[SEAL.]
GRA-TA-MAH-ZHE, or Standing Hawk, his x mark.	[SEAL.]
GA-HE-GA-ZHIN-GA, or Little Chief, his x mark.	[SEAL.]
TAH-WAH-GA-HA, or Village Maker, his x mark.	[SEAL.]
WAH-NO-KE-GA, or Noise, his x mark.	[SEAL.]
SHA-DA-NA-GE, or Yellow Smoke, his x mark.	[SEAL.]
WASTCH-COM-MA-NU, or Hard Walker, his x mark.	[SEAL.]
PAD-A-GA-HE, or Fire Chief, his x mark.	[SEAL.]
TA-SU, or White Cow, his x mark.	[SEAL.]
MA-HA-NIN-GA, or No Knife, his x mark.	[SEAL.]

In presence of—

H. CHASE, U. S. Interpreter.
LEWIS SAUNSOE, Interpreter.
ST. A. D. BALCOMBE, U. S. Indian Agent.
GEO. N. PROPPER,
J. N. H. PATRICK.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of February, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

February 13, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty between the United States of America, by their commissioners, Clark W. Thompson and Robert W. Furnas, and the Omaha tribe of Indians, made and concluded at Washington, D. C., on the sixth day of March, A. D. 1865.

Attest:

J. W. FORNEY, Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the thirteenth of February, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the City of Washington, this fifteenth day of February, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
WINNEBAGO TRIBE OF INDIANS.

CONCLUDED MARCH 8, 1865.

RATIFICATION ADVISED WITH AMENDMENT, FEBRUARY 13, 1866.

AMENDMENT ACCEPTED, FEBRUARY 20, 1866.

PROCLAIMED MARCH 28, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the eighth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between William P. Dole, Charles W. Thompson, and St. A. D. Balcombe, Commissioners, on the part of the United States, and Little Hill, Little Dacoria, Whirling Thunder, Young Prophet, Good Thunder, Young Crane, and White Breast, Chiefs of the Winnebago Tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of treaty made and concluded at Washington, D. C., between the United States of America, by their commissioners, Wm. P. Dole, C. W. Thompson, and St. A. D. Balcombe, and the Winnebago Tribe of Indians, by their chiefs Little Hill, Little Dacoria, Whirling Thunder, Young Prophet, Good Thunder, and White Breast, on the 8th day of March, 1865.

ARTICLE 1ST.

The Winnebago tribe of Indians hereby cede, sell, and convey to the United States all their right, title, and interest in and to their present reservation in the Territory of Dakota, at Usher's Landing, on the Missouri river, the metes and bounds whereof being on file in the Indian Department.

ARTICLE 2ND.

In consideration of the foregoing cession, and the valuable improvements thereon, the United States agree to set apart for the occupation and future home of the Winnebago Indians, forever, all that certain tract or parcel of land ceded to the United States by the Omaha tribe of Indians on the sixth day of March, A. D. 1865, situated in the Territory of Nebraska, and described as follows, viz: Commencing at a point on the Missouri river four miles due south from the north boundary line of said reservation; thence west ten miles; thence south four

miles; thence west to the western boundary line of the reservation; thence north to the northern boundary line; thence east to the Missouri river; and thence south along the river to the place of beginning.

ARTICLE 3RD.

In further consideration of the foregoing cession, and in order that the Winnebagoes may be as well situated as they were when they were moved from Minnesota, the United States agree to erect on their reservation, hereby set apart, a good steam saw-mill with a grist-mill attached, and to break and fence one hundred acres of land for each band, and supply them with seed, to sow and plant the same, and shall furnish them with two thousand dollars' worth of guns, sixty horses, one hundred cows, twenty yoke of oxen and wagons, two chains each, and five hundred dollars' worth of agricultural implements, in addition to those on the reserve hereby ceded.

ARTICLE 4TH.

The United States further agree to erect on said reservation an agency building, school-house, warehouse, and suitable buildings for the physician, interpreter, miller, engineer, carpenter, and blacksmith, and a house 18 by 24 feet, one and a half story high, well shingled and substantially finished, for each chief.

ARTICLE 5TH.

The United States also stipulate and agree to remove the Winnebago Tribe of Indians and their property to their new home, and to subsist the tribe one year after their arrival there.

In testimony whereof, the said Wm. P. Dole, Clark W. Thompson, and St. A. D. Balcombe, commissioners as aforesaid, and the undersigned chiefs and delegates of the Winnebago Tribe of Indians, have hereunto set their hands and seals, at the place and on the day hereinbefore written.

W. P. DOLE,
CLARK W. THOMPSON,
ST. A. D. BALCOMBE,

Commissioners.

LITTLE HILL,
his x mark. [SEAL.]
LITTLE DACORIA,
his x mark. [SEAL.]
WHIRLING THUNDER,
his x mark. [SEAL.]
YOUNG PROPHET,
his x mark. [SEAL.]
GOOD THUNDER,
his x mark. [SEAL.]
YOUNG CRANE,
his x mark. [SEAL.]
WHITE BREAST,
his x mark. [SEAL.]

In presence of

MITCHELL ST. CYR, United States Interpreter,
 ALEXANDER PAYN, " " "
 R. W. FURNAS, U. S. Agt. for Omahas.
 BENJ. F. LUSHBAUGH, U. S. Indian Agent.
 AUGUSTUS KOUNTZE.
 C. HAZLETT.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the thirteenth day of February, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 February 13, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Washington, D. C., between the United States of America, by their commissioners, William P. Dole, C. W. Thompson, and St. A. D. Balcombe, and the Winnebago Tribe of Indians, by their chiefs Little Hill, Little Decorice, [Dacoria,] Whirling Thunder, Young [Young] Prophet, Good Thunder, and White Breast, on the 8th day of March, 1865, with the following

AMENDMENT:

Article 3d, line 10, strike out the word "sixty," and insert the words *four hundred*.

Attest:

J. W. FORNEY
Secretary.

And whereas information of the foregoing amendment having been given to the Chiefs of the Winnebago Tribe of Indians whose names are subscribed to the writing hereto following, they did, on the twentieth day of February, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendment in the words and figures following, to wit:

OMAHA INDIAN AGENCY, NEBRASKA TERRITORY,
 February 20, 1866.

Be it known that we, the chiefs of the Winnebago Tribe of Indians, in council assembled, being informed by Superintendent E. B. Taylor, through acting agent R. W. Furnas, that the treaty entered into by our chiefs and legal representatives, on our part, and the United States, by commissioners, on its [their] part, in March, 1865, has been so amended as to provide for four hundred head of horses instead of sixty head, as originally stipulated, we hereby agree to said amendment, and consent to its being made a part of the original Treaty.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a supplemental Treaty was made and concluded at the city of Washington, in the District of Columbia, on the tenth day of March, in the year of our Lord one thousand eight hundred and sixty-five, by and between William P. Dole, Commissioner, on the part of the United States, and Wah-gah-sap-pi, or Iron Whip, Gist-tah-wah-gu, or Strong Walker, Wash-com-mo-ni, or Mitchell P. Cerre, Ash-nan e-kah-gah-he, or Lone Chief, and Tah-ton-ga-nuz-zhe, or Standing Buffalo, Chiefs and Headmen of the Ponca tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Supplemental Treaty between the United States of America and the Ponca tribe of Indians, made at the city of Washington on the tenth day of March, A. D. 1865, between Wm. P. Dole, Commissioner on the part of the United States, and Wah-gah-sah-pi, or Iron Whip; Gish-tah-wah-gu, or Strong Walker; Wash-com-mo-ni, or Mitchell P. Cerre; Ash-nan-e-kah-gah-be, or Lone Chief; Tah-ton-ga-nuz-zhe, or Standing Buffalo, on the part of the Ponca tribe of Indians, they being duly authorized and empowered by the said tribe, as follows, viz:

ARTICLE 1ST.

The Ponca tribe of Indians hereby cede and relinquish to the United States all that portion of their present reservation as described in the first article of the treaty of March 12th, 1858, lying west of the range line between townships numbers (32) thirty-two and (33) thirty-three north, ranges (10) ten and (11) eleven west of the (6) sixth principal meridian, according to the Kansas and Nebraska survey; estimated to contain thirty thousand acres, be the same more or less.

ARTICLE 2ND.

In consideration of the cession or release of that portion of the reservation above described by the Ponca tribe of Indians to the government of the United States, the government of the United States, by way of rewarding them for their constant fidelity to the government and citizens thereof, and with a view of returning to the said tribe of Ponca Indians their old burying-grounds and corn-fields,



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

WOLL-PAH-PE TRIBE OF SNAKE INDIANS.

CONCLUDED AUGUST 12, 1865.

RATIFICATION ADVISED JULY 5, 1866.

PROCLAIMED JULY 10, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Sprague River Valley, on the twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-five, by and between J. W. Perit Huntington, Commissioner, on the part of the United States, and Pah-ni-ne, Hau-ni-noo-cy, and other Chiefs and Headmen, on the part of the Woll-pah-pe Tribe of Snake Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of agreement and convention made and concluded at Sprague River valley, on this twelfth day of August, in the year one thousand eight hundred and sixty-five, by J. W. Perit Huntington, superintendent of Indian affairs in Oregon, on the part of the United States, and the undersigned chiefs and headmen of the Woll-pah-pe tribe of Snake Indians, acting in behalf of said tribe, being duly authorized so to do.

ARTICLE I.

Peace is declared henceforth between the United States and the Woll-pah-pe tribe of Snake Indians, and also between said tribe and all other tribes in amity with the United States. All prisoners and slaves held by the Woll-pah-pe tribe, whether the same are white persons or members of Indian tribes in amity with the United States, shall be released; and all persons belonging to the said Woll-pah-pe tribe now held as prisoners by whites, or as slaves by other Indian tribes, shall be given up.

ARTICLE II.

The said tribe hereby cedes and relinquishes to the United States all their right, title, and interest to the country occupied by them, described as follows, to wit: Beginning at the Snow Peak in the summit of the Blue Mountain range, near the heads of the Grande Ronde river and the north fork of John Day's river; thence down said north fork of John Day's river to its junction with the south fork; thence due south to Crooked river; thence up Crooked river and the south fork thereof to its source; thence southeasterly to Harney lake;

thence northerly to the heads of Malheur and Burnt rivers; thence continuing northerly to the place of beginning.

ARTICLE III.

The said tribe agree to remove forthwith to the reservation designated by the treaty concluded on the 15th of October, 1864, with the Klamath, Moadoc, and Yahooskin Snake Indians, there to remain under the authority and protection of such Indian agent, or other officer, as the government of the United States may assign to such duty, and no member of said tribe shall leave said reservation for any purpose without the written consent of the agent or superintendent having jurisdiction over said tribe.

ARTICLE IV.

The said Woll-pah-pe tribe promise to be friendly with the people of the United States, to submit to the authority thereof, and to commit no depredations upon the persons or property of citizens thereof, or of other Indian tribes; and should any member of said tribe commit any such depredations, he shall be delivered up to the agent for punishment, and the property restored. If after due notice the tribe neglect or refuse to make restitution, or the property is injured or destroyed, compensation may be made by the government out of the annuities hereinafter provided. In case of any depredation being committed upon the person or property of any member of the aforesaid Woll-pah-pe tribe, it is stipulated that no attempt at revenge, retaliation, or reclamation shall be made by said tribe; but the case shall be reported to the agent or superintendent in charge, and the United States guarantee that such depredation shall be punished in the same manner as if committed against white persons, and that the property shall be restored to the owner.

ARTICLE V.

The said tribe promise to endeavor to induce the Hoo-ne-boo-ey and Wa-tat-kah tribes of Snake Indians to cease hostilities against the whites; and they also agree that they will, in no case, sell any arms or ammunition to them nor to any other tribe hostile to the United States.

ARTICLE VI.

The United States agree to expend, for the use and benefit of said tribe, the sum of five thousand dollars to enable the Indians to fence, break up, and cultivate a sufficient quantity of land for their use, to supply them with seeds, farming implements, domestic animals, and such subsistence as may be necessary during the first year of their residence upon the reservation.

ARTICLE VII.

The United States also agree to expend, for the use and benefit of said tribe, the sum of two thousand dollars per annum for five years next succeeding the ratification of this treaty and twelve hundred dollars per annum for the next ten years following, the same to be expended under the direction of the President of the United States for such objects as, in his judgment, will be beneficial to the Indians, and advance them in morals and knowledge of civilization.

ARTICLE VIII.

The said tribe, after their removal to the reservation, are to have the benefit of the services of the physician, mechanics, farmers, teachers, and other employes provided for in the treaty of the 15th October, 1864, in common with the Klamaths, Moadoes, and Yahooskin Snakes, and are also to have the use of the mills and school-houses provided for in said treaty, so far as may be necessary to them, and not to the disadvantage of the other tribes; and, in addition, an interpreter who understands the Snake language shall be provided by the government. Whenever, in the judgment of the President, the proper time shall have arrived for an allotment of land in severalty to the Indians upon the said reservation, a suitable tract shall be set apart for each family of the said Woll-pah-pe tribe, and peaceable possession of the same is guaranteed to them.

ARTICLE IX.

The tribe are desirous of preventing the use of ardent spirits among themselves, and it is therefore provided that any Indian who brings liquor on to the reservation, or who has it in his possession, may in addition to the penalties affixed by law, have his or her proportion of the annuities withheld for such time as the President may determine.

ARTICLE X.

This treaty shall be obligatory upon the contracting parties as soon as the same shall be ratified by the Senate of the United States.

In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, and the undersigned chiefs and headmen of the tribe aforesaid, have hereunto set their signatures and seals, at the place and on the day and year above written.

J. W. PERIT HUNTINGTON,		[SEAL.]
<i>Sept. Indian Affairs in Oregon.</i>		
PAH-NI-NE,	his x mark.	[SEAL.]
HAU-NI-NOO-EY,	his x mark.	[SEAL.]
KI-NAU-NEY,	his x mark.	[SEAL.]
WA-AK-CHAU,	his x mark.	[SEAL.]
CHOK-KO-SI,	his x mark.	[SEAL.]
SHE-ZHE,	his x mark.	[SEAL.]
GHE-EM-MA,	his x mark.	[SEAL.]
NOW-HOOP-A-COW-ICK,	his x mark.	[SEAL.]
KI-PO-WEET-KA,	his x mark.	[SEAL.]
HAU-NE, or SHAS-TOOK,	his x mark.	[SEAL.]
SAH-TOO-TOO-WE,	his x mark.	[SEAL.]

Executed in our presence—

W. V. RINEHART, *Maj. 1 Oregon Inf'y.*

WM. KELLY, *Capt. 1st Cav., Oregon Vols.*

LINDSAY APPLGATE.

WM. C. MCKAY, M. D., *Act'g Interpreter.*

ALBERT APPLGATE, *2nd Lieut. 1st Ogn. Inf., com'g. escort.*

F. B. CHASE.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 5, 1866.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the articles of agreement and convention made and concluded at Sprague River Valley, on the twelfth day of August, in the year one thousand eight hundred and sixty-five, by J. W. Perit Huntington, Superintendent of Indian Affairs in Oregon, on the part of the United States, and the chiefs and headmen of the Woi-pah-pe tribe of Snake Indians, acting in behalf of said tribe.

Attest:

J. W. FORNEY,

Secretary.

By W. J. McDONALD,

Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this tenth day of July, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

ANDREW JOHNSON.

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TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
GREAT AND LITTLE OSAGE INDIANS.

CONCLUDED, SEPTEMBER 29, 1865.

RATIFICATION ADVISED, WITH AMENDMENTS, JUNE 26, 1866.

AMENDMENTS ACCEPTED SEPTEMBER 21, 1866.

PROCLAIMED JANUARY 21, 1867.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING.

Whereas a Treaty was made and concluded at Canville Trading Post, Osage Nation, in the State of Kansas, on the twenty-ninth day of September, in the year of our Lord one thousand eight hundred and sixty-five, by and between D. N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and White Hair, Little Bear, (Me-tso-shin-ca,) and other Chiefs of the Tribe of Great and Little Osage Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Treaty and Convention made and concluded at Canville Trading Post, Osage Nation, within the boundary of the State of Kansas, on the twenty-ninth day of September, eighteen hundred and sixty-five, by and between D. N. Cooley, Commissioner of Indian Affairs, and Elijah Sells, superintendent of Indian affairs for the southern superintendency, commissioners on the part of the United States, and the chiefs of the tribe of Great and Little Osage Indians, the said chiefs being duly authorized to negotiate and treat by said tribes.

ARTICLE 1.

The tribe of the Great and Little Osage Indians having now more lands than are necessary for their occupation, and all payments from the government to them under former treaties having ceased, leaving them greatly impoverished, and being desirous of improving their condition by disposing of their surplus lands, do hereby grant and sell to the United States the lands contained within the following boundaries, that is to say: beginning at the southeast corner of their present reservation, and running thence north with the eastern boundary thereof fifty miles to the northeast corner; thence west with the northern line thirty miles; thence south fifty miles, to the southern boundary of said reservation; and thence east with said southern boundary to the place of beginning: *Provided*, That the western boundary of said lands herein ceded shall not extend further westward than upon a line commencing at a point on the southern boundary of said Osage country one mile east of the place where the Verdigris river crosses the southern boundary of the State of Kansas. And, in consideration of the grant and sale to them of the above-described lands, the United States agree to pay the sum of three hundred thousand dollars, which sum shall be placed to the credit of said tribe of Indians in the treasury of the United States, and interest thereon at the rate of five per centum per annum shall be paid to said tribe semi-annually, in money, clothing, provisions, or such articles of utility as the Secretary of the Interior may

from time to time ~~after~~. Said lands shall be surveyed and sold under the direction of the Secretary of the Interior, on the most advantageous terms, for cash, as public lands are surveyed and sold under existing laws, but no pre-emption claim or homestead settlement shall be recognised; and after reimbursing the United States the cost of said survey and sale, and the said sum of three hundred thousand dollars placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the treasury of the United States to the credit of the "civilization fund" to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

ARTICLE 2.

The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west; which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit by the Secretary of the Interior, under such rules and regulations as he may, from time to time, prescribe, under the direction of the Commissioner of the General Land Office, as other lands are surveyed and sold. The proceeds of such sales, as they accrue, after deducting all expenses incident to the proper execution of the trust, shall be placed in the treasury of the United States to the credit of said tribe of Indians; and the interest thereon, at the rate of five per centum per annum, shall be expended annually for building houses, purchasing agricultural implements and stock animals, and for the employment of a physician and medicines, and for providing such other necessary aid as will enable said Indians to commence agricultural pursuits under favorable circumstances: *Provided*, That twenty-five per centum of the net proceeds arising from the sale of said trust lands, until said percentage shall amount to the sum of eighty thousand dollars, shall be placed to the credit of the school fund of said Indians; and the interest thereon, at the rate of five per centum per annum, shall be expended semi-annually for the boarding, clothing, and education of the children of said tribe.

ARTICLE 3.

The Osage Indians, being sensible of the great benefits they have received from the Catholic mission, situate in that portion of their reservation herein granted and sold to the United States, do hereby stipulate that one section of said land, to be selected by the Commissioner of Indian Affairs so as to include the improvements of said mission, shall be granted in fee-simple to John Schoenmaker, in trust, for the use and benefit of the society sustaining said mission, with the privilege to said Schoenmaker, on the payment of one dollar and twenty-five cent. per acre, of selecting and purchasing two sections of land adjoining the section above granted; the said selection to be held in trust for said society, and to be selected in legal subdivisions of surveys, and subject to the approval of the Secretary of the Interior.

ARTICLE 4.

All loyal persons, being heads of families and citizens of the United States, or members of any tribe at peace with the United States, having made settlements and improvements as provided by the pre-emption laws of the United States, and now residing on the lands provided to be sold by the United States, in trust for said tribe, as well as the said lands herein granted and sold to the United States, shall have the privilege, at any time within one year after the ratification of this treaty, of buying a quarter section each, at one dollar and

twenty-five cents per acre: such quarter section to be selected according to the legal subdivision of surveys, and to include, as far as practicable, the improvements of the settler.

ARTICLE 5.

to remove from the State of Kansas, and settle on lands to be provided for them by the United States in the Indian territory, on such terms as may be agreed on between the United States and the Indian tribes now residing in said territory or any of them, then the diminished reservation shall be disposed of by the United States in the same manner and for the same purposes as hereinbefore provided in relation to said trust lands, except that fifty per cent. of the proceeds of the sale of said diminished reserve may be used by the United States in the purchase of lands for a suitable home for said Indians in said Indian Territory.

ARTICLE 17.

ARTICLE 6.

In consideration of the long and faithful services rendered by Charles Mognain, one of the principal chiefs of the Great Osages, to the people, and in consideration of improvements made, and owned by him on the land by this treaty sold to the United States, and in lieu of the provisions made in article fourteen for the half-breed Indians, the heirs of the said Charles Mognain, dec[ase]d, may select one section of land, including his improvements, from the north half of said land, subject to the approval of the Secretary of the Interior, and upon his approval of such selection, it shall be patented to the heirs of the said Mognain, dec[ase]d, in fee-simple.

ARTICLE 7.

It is agreed between the parties hereto that the sum of five hundred dollars shall be set apart each year from the moneys of said tribe and paid by the agent to the chiefs.

ARTICLE 8.

The Osage Indians being anxious that a school should be established in their new home, at their request it is agreed and provided that John Schoenmaker may select one section of land within their diminished reservation, and, upon the approval of such selection by the Secretary of the Interior, such section of land shall be set apart to the said Schoenmaker and his successors, upon condition that the same shall be used, improved, and occupied for the support and education of the children of said Indians during the occupancy of said reservation by said tribe: *Provided*, That said lands shall not be patented, and upon the discontinuance of said school shall revert to said tribe and to the United States as other Indian lands.

ARTICLE 9.

It is further agreed that, in consideration of the services of Darius Rogers to the Osage Indians, a patent shall be issued to him for one hundred and sixty acres of land, to include his mill and improvements, on paying one dollar and twenty-five cents per acre; and said Rogers shall also have the privilege of purchasing, at the rate of one dollar and twenty-five cents, one quarter section of land adjoining the tract above mentioned, which shall be patented to him in like manner; said lands to be selected subject to the approval of the Secretary of the Interior.

ARTICLE 10.

The Osages acknowledge their dependence on the government of the United States, and the sum of ten thousand dollars placed to the credit of said Indians, the remaining proceeds of sales shall be placed in the treasury of the United States to the credit of the "civilization fund" to be used, under the direction of the Secretary of the Interior, for the education and civilization of Indian tribes residing within the limits of the United States.

ARTICLE 2.

The said tribe of Indians also hereby cede to the United States a tract of land twenty miles in width from north to south, off the north side of the remainder of their present reservation, and extending its entire length from east to west; which land is to be held in trust for said Indians, and to be surveyed and sold for their benefit by the Secretary of the Interior, under such rules and regulations as may pass through the lands of said Indians, shall have right of way upon the payment of fair compensation therefor.

ARTICLE 12.

Within six months after the ratification of this treaty the Osage Indians shall remove from the lands sold and ceded in trust, and settle upon their diminished reservation.

ARTICLE 13.

The Osage Indians having no annuities from which it is possible for them to pay any of the expenses of carrying this treaty into effect, it is agreed that the United States shall appropriate twenty thousand dollars, or so much thereof as may be necessary, for the purpose of defraying the expense of survey and sale of the lands hereby ceded in trust, which amount so expended shall be reimbursed to the treasury of the United States from the proceeds of the first sales of said lands.

ARTICLE 14.

The half-breeds of the Osage tribe of Indians, not to exceed twenty-five in number, who have improvements on the north half of the lands sold to the United States, shall have a patent issued to them, in fee-simple, for eighty acres each, to include, as far as practicable, their improvements, said half-breeds to be designated by the chiefs and headmen of the tribe; and the heirs of Joseph Swiss, a half-breed, and a former interpreter of said tribe, shall, in lieu of the above provision, receive a title, in fee-simple, to a half-section of land, including his house and improvements, if practicable, and also to a half section of the trust land; all of said lands to be selected by the parties, subject to the approval of the Secretary of the Interior.

ARTICLE 15.

It is also agreed by the United States that said Osage Indians may unite with any tribe of Indians at peace with the United States, residing in said Indian territory, and thence afterwards receive an equitable proportion, according to their numbers, of all moneys, annuities, or property, payable by the United States to said Indian tribe with which the agreement may be made; and in turn granting to said Indians, in proportion to their numbers, an equitable proportion of all moneys, annuities, and property, payable by the United States to said Osages.

ARTICLE 16.

It is also agreed by said contracting parties, that if said Indians should agree to remove from the State of Kansas, and settle on lands to be provided for them by the United States in the Indian territory, on such terms as may be agreed on between the United States and the Indian tribes now residing in said territory or any of them, then the diminished reservation shall be disposed of by the United States in the same manner and for the same purposes as hereinbefore provided in relation to said trust lands, except that fifty per cent. of the proceeds of the sale of said diminished reserve may be used by the United States in the purchase of lands for a suitable home for said Indians in said Indian Territory.

ARTICLE 17.

Should the Senate reject or amend any of the above articles such rejection or amendment shall not affect the other provisions of this treaty, but the same shall go into effect when ratified by the Senate and approved by the President.

NOTE.—The interlineations and erasures on the seventh and tenth pages were made before signing.

D. N. COOLEY.

Com'r. of Indian Affairs.

ELIJAH SELLS.

Supt Ind. Aff. South'n Sup'cy, and Commissioner.

ME-TSO-SHIN-CA, (Little Bear.) his x mark.

Chief Little Osages.

NO-PA-WAH-LA, his x mark.

2d Chief to Little Bear.

PA-THA-HUN-KAH, his x mark.

Little Chief L. B. Band.

WHITE HAIR, his x mark.

Principal Chief Osage Nation.

TA-WAH-SHE-HE, his x mark.

Chief Big Hill Band.

BEAVER, his x mark.

Second Chief White Hair's Band.

CLERMONT, his x mark.

Chief Clermont Band.

O-PO-TON-KOH, his x mark.

WA-SHE-PE-SHE, his x mark.

Little Chief W. H. Band.

Witnesses:

MA-SHO-HUN-CA, his x mark.

Counsellor Little Bear Band.

WA-SHA-PA-WA-TA-NE-CA, his x mark.

WA-DU-HA-KA, his x mark.

SHIN-KA-WA-TA-NE-KAH, his x mark.

SHR-WEH-TEH, his x mark.

GRA-MA, his x mark.

HU-LA-WAH-SHO-SHA, his x mark.

NA-TA-TON-CA-WA-KI, his x mark.

NUM-PA-WAH-CU, his x mark.

HA-SKA-MON-NE, his x mark.

Attest:

G. C. SNOW, *U. S. Neosho Ind. Agent.*
 MILTON W. REYNOLDS, *Acting Clerk.*
 THEODORE C. WILSON, *Phonographic Reporter.*
 ALEXANDER BEYETT, *Interpreter Osage Nation.*

Witnesses, Little Bear's band:

KA-WAH-HO-TZA, his x mark.
 O-KE-PA-HOLA, his x mark.
 ME-HE-TUA, his x mark.

White Hair's band of witnesses:

SHIN-KA-WA-SHA, councillor of White Hair's, his x mark.
 WA-SHA-WA, his x mark.
 KA-HE-KA-STZA-JEH, his x mark.
 KA-HE-KA-WA-SHIN-PE-SHE, his x mark.
 SAW-PE-KA-LA, his x mark.
 WA-TZA-SHIM-KA, his x mark.
 WA-NO-PA-SHE, his x mark.
 SHIN-DE-KA-SHI, his x mark.
 NE-KOO-LE-BLO, his x mark.
 O-KE-PA-KA-LOH, his x mark.
 KE-NU-IN-CA, his x mark.
 PA-SU-MO-NA, his x mark.

We, the undersigned, chiefs and headmen of the Clermont and Black Dog Bands of the Great Osage Nation, in council at Fort Smith, Ark., have had the foregoing treaty read and explained in full by our interpreter, L. P. Chouteau, and fully approve the provisions of said treaty made by our brothers the Osages, and by this signing make it our act and deed.

CLERMONT, chf. of Clermont Band, his x mark.
 PALLEY, 2d chf. of Clermont Band, his x mark.
 HAH-TI-IN-GAH, (Dry Feather,) counsellor, his x mark.
 KAH-HA-CHE-LA-TON, brave, his x mark.
 DO-TAH-CAH-SHE, brave, his x mark.
 BLACK DOG, chf. Black Dog Band, his x mark.
 WILLIAM PENN. 2d chf. Black Dog Band, his x mark.
 BROKE ARM, counsellor, his x mark.
 NE-KAH-KE-PON-NAH, brave, his x mark.
 NE-KAH-GAH-HEE, brave, his x mark.

Witnesses—

WAH-KON-MON-KEY, his x mark.
 WAH-KON-CHIE-LA, his x mark.
 WAH-SHA-GA-WAH-TI-IN-GAH, his x mark.
 PAH-CHA-HUN-GAH, his x mark.
 LONG BOW, his x mark.
 WAH-SHE-WAH-LA, his x mark.
 WAR EAGLE, his x mark.
 PON-HON-GLE-GAH-TON, his x mark.
 SON DOWN, his x mark.
 TON-WON-GE-HI, his x mark.
 WAH-CHA-O-XAU-SHE, his x mark.

I certify that the foregoing treaty was fully explained by me, and that the above signatures, the first as chiefs and headmen and the others as witnesses, signed the same as their free act and deed.

L. P. CHOUTEAU, *Interpreter.*

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of June, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same by a resolution with amendments in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

June 26, 1866.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the Articles of Treaty and Convention made and concluded at Canville Trading Post, Osage Nation, within the boundary of the State of Kansas, on the twenty-ninth day of September, eighteen hundred and sixty-five, by and between the Commissioners on the part of the United States, and the Chief of the tribes of Great and Little Osage Indians, the said Chief being duly authorized to negotiate and treat by said tribes, with the following

AMENDMENTS:

- 1st. Article 1, line 38, after the word "laws" insert the following: *including any act granting lands to the State of Kansas in aid of the construction of a railroad through said lands.*
- 2nd. Article 2, strike out all after the word "benefit," in line 8, to and including the word "sold," in line 12, and insert in lieu thereof the following: *under the direction of the Commissioner of the General Land Office at a price not less than one dollar and twenty-five cents per acre as other lands are surveyed and sold, under such rules and regulations as the Secretary of the Interior shall from time to time prescribe.*
- 3d. Article 4, line 8, after the word "as," where it occurs the second time, insert: *upon.*
- 4th. Article 9, line 9, after the word "cents" insert: *per acre.*
- 5th. Article 11, line 3, after the words "through the" insert: *remaining.*
- 6th. Same article, line 4, strike out "herein reserved," and insert in lieu thereof: *of said Indians.*

Attest:

J. W. FORNEY,
Secretary.

And whereas the foregoing amendments having been fully interpreted and explained to White Hair, Little Beaver, Charmont, To-wah she-he, Met-so-shinea, (Little Bear,) No-paw-ahla, and Black Dog, chiefs of the said tribe of Great and Little Osage Indians, they did, on the twenty-first day of September, one thousand eight hundred and sixty-six, give their free and voluntary assent to the same, in the words and figures following, to wit:

Whereas a certain Treaty was made by and between Commissioners on the part of the United States and the Chiefs representing the Great and Little Osage

Indians, on the 29th of September, 1865, to the ratification of which Treaty the Senate of the United States has advised and consented, with the following amendments, viz:

AMENDMENTS.

- 1st. Art. 1, line 38, after the word "laws" insert the following: "including any act granting lands to the State of Kansas, in aid of the construction of a railroad through said lands."
- 2d. Art. 2, strike out all after the word "benefit," in line 8, to and including the word "sold," in line 12, and insert in lieu thereof the following: "under the direction of the Commissioner of the General Land Office, at a price not less than one dollar and twenty-five cents per acre, as other lands are surveyed and sold, under such rules and regulations as the Secretary of the Interior shall from time to time prescribe."
- 3d. Art. 4, line 8, after the word "as," where it occurs the second time, insert "upon."
- 4th. Art. 9, line 9, after the word "cents," insert "per acre."
- 5th. Art. 11, line 3, after the words "through the," insert "remaining."
- 6th. Art. 11, line 4, strike out "herein reserved," and insert in lieu thereof "of said Indians."

Now, therefore, we, the undersigned, Chiefs and Headmen of the said Great and Little Osage Indians, having heard the above amendments read, and fully explained to us, on this twenty-first day of September, one thousand eight hundred and sixty-six, do hereby accept and consent to the aforesaid amendments.

WHITE HAIR,	his x mark,
<i>Principal Chief Osage Nation,</i>	
LITTLE BEAVER,	his x mark,
<i>2d Chief White Hair's Band,</i>	
CLARMONT,	his x mark,
<i>Chief Clarmont's Band,</i>	
TA-WAH-SHE HE,	his x mark,
<i>Chief Big Hill Band,</i>	
MET-SO-SHINCA, (Little Bear,)	his x mark,
<i>Chief Little Osages,</i>	
NO-PAW-AH-LA,	his x mark,
<i>2d Chief Little Osages,</i>	
BLACK DOG,	his x mark,
<i>Chief Black Dog's Band,</i>	

Attest:

G. C. SNOW, U. S. *Nosho Ind. Agent,*
 JOSEPH PAW-NE-NO-PANL, *E. Indian,*
 ALEXANDER BEYETT, *Interpreter,*
 MOSES NEAL,
 E. C. AMSDEN,
 GEORGE W. DOUGLASS,
 FRED. THIBBETTS,
 JOHN BRINKLEY.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the

Senate as expressed in its resolution of the twenty-sixth of June, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty with the amendments as aforesaid.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-first day of January, in the year
 of our Lord one thousand eight hundred and sixty-seven,
 (L. S.) and of the Independence of the United States of America
 the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

MINNECONJON BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 10, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the tenth day of October, in the year of our Lord, one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Hahwah-zee-dan, (The Lone Horn,) Tah-ke-chah-hoosh-tay, (The Lame Deer,) and other chiefs and headmen of the Minneconjon band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory; Edward B. Taylor, superintendent of Indian affairs for the northern superintendency; Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Minneconjon band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Minneconjon band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Minneconjon band of Dakotas or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Minneconjon band of Dakotas or Sioux, represented in council, and other tribes of Indians, involving

the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States traveling thereon, the government of the United States agree to pay the said band the sum of ten thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual, or individuals, or portion of the band of the Minneconjon band of Dakotas or Sioux, represented in council, desire hereafter to locate permanently upon any part of the lands claimed by the said band, for the purpose [of] agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians.

ARTICLE SIXTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Minneconjon band of Dakota or Sioux, have hereunto set their hands, this tenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brigadier General,
HENRY W. REED,
ORRIN GUERNSEY,

Commissioners on the part of the United States.

HA-WAH-ZEE-DAN,

The Lone Horn, his x mark, 1st chief.

TAH-KE-CHAH-HOOSH-TAY,

The Lone Deer, his x mark, 1st chief.

KEE-YAM-E-I-A,

One that flies when going, his x mark, chief.

HA-IL-O-KAH-CHAH-SKAH.

White Young Bull, his x mark, chief.

KE-YAR-CUM-PEE,

Give him Room, his x mark, chief.

HA-HAR-SKAH-KAH,

Long Horn, his x mark, chief.

HE-HAN-WE-CHAK-CHAH,

The Old Owl, his x mark, chief.

WAH-CHIEE-HA-SKAH,

White Feather, his x mark, chief.

TAH-TON-KAH-WAK-KANTO,

The High Bull, his x mark, soldier.

MAH-TO-CHAT-KAH,

The Left-handed Bear, his x mark, soldier.

CHAN-WAH-PA,

The Tree in Leaf, his x mark, soldier.

TO-KALLA-DOO-TAH,

The Red Fox, his x mark, soldier.

CHA-TAN-SAPPAIL,

The Black Hawk, his x mark, soldier.

MUCK-A-PEE-AH-TO,

The Blue Cloud, his x mark.

Signed by the commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence :

A. W. HUBBARD,

M. C. 6th dist. Iowa.

S. S. CURTIS,

Maj. 2nd Colorado Cav., Bvt. Lt. Col. U. S. V.

CHAS. C. G. THORNTON,

Lt. Col. 4th U. S. Vols.

E. F. RUTH,

Sec'y of Commission.

R. R. HITT,

Reporter of Com'n.

THOS. D. MAURICE,

Late Maj. 1st Mo. Lt. Art'y.

W. MOTT,

Capt. and C. S.

ZEPHIE RENCONTRE, his x mark,

CHARLES DEGRES, his x mark,

Interpreters.

The following chiefs came into council on the 20th Oct. and desired to sign the treaty. They are represented as always friendly to the whites, and have, therefore, been away from most of the tribe.

HAH-SAH-NE-NA-MAZA,

One Iron Horse, his x mark.

TO-KIO-WI-CHACK-A-TA,

The One that Kills the First on Hand, his x mark.

Attest :

S. S. CURTIS,

Bvt. Lt. Col. U. S. V.

HEZ. L. HOSMER,

Chief justice of Montana Territory.

CHARLES DEGRES, his x mark.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5th, 1866.

*Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States, by their commissioners, and the chiefs and headmen of the Minneconjon band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following*

AMENDMENT:

Article 4, lines 4, 5, 6, and 7, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof, I have signed the same with my hand and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year [SEAL] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHEYENNE AND ARRAPAHOE TRIBES OF INDIANS.

CONCLUDED OCTOBER 14, 1865.

RATIFICATION ADVISED, WITH AMENDMENTS, MAY 22, 1866.

AMENDMENTS ACCEPTED NOVEMBER 10 AND 19, 1866.

PROCLAIMED FEBRUARY 2, 1867.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, Commissioners, on the part of the United States, and Moke-ta-ve-to, (Black Kettle,) Oh-to-ah-ne-so-to-who, (Seven Bulls,) Oh-has-tee, (Little Raven,) Oh-hah-mah-hah, (Storm,) and other Chiefs and Headmen of the Cheyenne and Arrapahoe tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and the undersigned, chiefs and headmen of and representing the confederated tribes of Arrapahoe and Cheyenne Indians of the Upper Arkansas river, they being duly authorized by their respective tribes to act in the premises.

ARTICLE 1. It is agreed by the parties to this treaty, that hereafter perpetual peace shall be maintained between the people and government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other, and with all other Indians who sustain friendly relations with the government of the United States. For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by Indians on friendly terms with the United States, against the tribe or tribes, or the individual members of the tribe or tribes, who are parties to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints through their agent to the President of the United States, and thereupon an impartial arbitration shall be had, under his

direction, and the award thus made shall be binding on all parties interested, and the government of the United States will in good faith enforce the same. And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons, members of their tribe, such person or persons shall, upon complaint being made in writing to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

ARTICLE 2. The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter be designated by the President of the United States for that purpose, viz: commencing at the mouth of Red creek or Red fork of the Arkansas river; thence up said creek or fork to its source; thence westwardly to a point on the Cimarrone river, opposite the mouth of Buffalo creek; thence due north to the Arkansas river; thence down the same to the beginning, shall be, and is hereby, set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as they may from time to time agree to admit among them, and that no white person, except officers, agents, and employes of the government, shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages: *Provided, however*, That said Indians shall not be required to settle upon said reservation until such time as the United States shall have extinguished all claims of title thereto on the part of other Indians, so that the Indians parties hereto may live thereon at peace with all other tribes.

The Indians parties hereto, on their part, expressly agree to remove to and accept as their permanent home the country embraced within said limits whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, such written consent in all cases specifying the purpose for which such leave is granted, and shall be borne with them upon their excursions as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employes, and citizens of the United States as their sufficient safeguard and protection against injury or damage in person or property by any and all persons whomsoever.

It is further agreed by the Indians parties hereto that when absent from their reservation they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the government of the United States; that they will not, while so absent, encamp by day or at night within ten miles of any of the main travelled routes or roads through the country to which they go, or of the military posts, towns, or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or villages; and that henceforth they will, and do hereby, relinquish all claims or rights in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country bounded as follows, viz: beginning at the junction of the north and south forks of the Platte river; thence up the north fork to the top of the principal range of the Rocky mountains, or to the Red Buttes; thence southwardly along the summit of the Rocky mountains to the headwaters of the Arkansas river; thence down the Arkansas river to the Cimarrone crossing of the same; thence to the place of beginning; which country

they claim to have originally owned, and never to have relinquished the title thereto.

ARTICLE 3. It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article in pursuance of the stipulations thereof, said Indians shall be, and they are hereby, expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies between the Arkansas and Platte rivers; and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving the reservation thereby provided for: *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns, and villages shall be in full force as to the occupancy of the country named and permitted by the terms of this article: *Provided, further*, That they, the said Indians, shall and will at all times during such occupancy, without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile bands of Indians whatsoever.

ARTICLE 4. It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by article 2 of this treaty, such roads or highways as may be deemed necessary; and may also establish such military posts within the same as may be found necessary in order to preserve peace among the Indians, and in order to enforce such laws, rules, and regulations as are now, or may from time to time be, prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation; and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however*, That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as in the judgment of the Congress of the United States may be deemed just and proper.

ARTICLE 5. At the special request of the Cheyenne and Arapahoe Indians, parties to this treaty, the United States agree to grant, by patent in fee simple, to the following named persons, all of whom are related to the Cheyennes or Arapahoës by blood, to each an amount of land equal to one section of six hundred and forty acres, viz: To Mrs. Margaret Wilmarth and her children, Virginia Fitzpatrick and Andrew Jackson Fitzpatrick; to Mrs. Mary Keith and her children, William Keith, Mary J. Keith, and Francis Keith; to Mrs. Matilda Pepperdin and her child, Miss Margaret Pepperdin; to Robert Poisal and John Poisal; to Edmund Guerrier, Rosa Guerrier, and Julia Guerrier; to William W. Bent's daughter, Mary Bent Moore, and her three children, Ada Moore, William Bent Moore, and George Moore; to William W. Bent's children, George Bent, Charles Bent, and Julia Bent; to A-ma-che, the wife of John Prowers, and her children, Mary Prowers and Susan Prowers; to the children of Ote-se-ot-see, wife of John Y. Sickles, viz: Margaret, Minnie, and John; to the children of John S. Smith, interpreter, William Gilpin Smith, and daughter Armama; to Jenny Lind Crocker, daughter of Ne-sou-hoe, or Are-yon-there, wife of Lieutenant Crocker; to ——— Winsor, daughter of Tow-e-nah, wife of A. T. Winsor, sutler, formerly at Ft. Lyon. Said lands to be selected under the direction of the Secretary of the Interior, from the reservation established by the 1st article of their treaty of February 18th, A. D. 1861.

ARTICLE 6. The United States being desirous to express its condemnation of, and, as far as may be, repudiate the gross and wanton outrages perpetrated against certain bands of Cheyenne and Arapahoe Indians by Colonel J. M. Chivington,

in command of United States troops, on the twenty-fourth day of November, A. D. 1861, at Sand creek, in Colorado Territory, while the said Indians were at peace with the United States, and under its flag, whose protection they had by lawful authority been promised and induced to seek, and the government being desirous to make some suitable reparation for the injuries then done, will grant three hundred and twenty acres of land by patent to each of the following named chiefs of said bands, viz: Make-tah-vey-e-to, or Black Kettle; Oh-tah-ha-ne-so-weel, or Seven Bulls; Alik-ke-home-ma, or Little Robe; Moke-tah-vo-ye-hoo, or Black White Man; and will in like manner grant to each other person of said bands made a widow, or who lost a parent upon that occasion, one hundred and sixty acres of land, the names of such persons to be ascertained under the direction of the Secretary of the Interior: *Provided*, That said grants shall be conditioned that all devises, grants, alienations, leases, and contracts relative to said lands, made or entered into during the period of fifty years from the date of such patents, shall be unlawful and void. Said lands shall be selected under the direction of the Secretary of the Interior within the limits of country hereby set apart as a reservation for the Indians parties to this treaty, and shall be free from assessment and taxation so long as they remain inalienable. The United States will also pay in United States securities, animals, goods, provisions, or such other useful articles as may, in the discretion of the Secretary of the Interior, be deemed best adapted to the respective wants and conditions of the persons named in the schedule hereto annexed, they being present and members of the bands who suffered at Sand creek upon the occasion aforesaid, the sums set opposite their names, respectively, as a compensation for property belonging to them, and then and there destroyed or taken from them by the United States troops aforesaid.

ARTICLE 7. The United States agree that they will expend annually during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior, for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservation, as provided for by article 2 of this treaty, an amount which shall be equal to twenty dollars per capita for each person entitled to participate in the beneficial provisions of this treaty, and from and after the time when such removal shall have been accomplished, an amount which shall be equal to forty dollars per capita for each person entitled as aforesaid; such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: one-third thereof during the spring, and two-thirds thereof during the autumn of each year. For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is two thousand eight hundred, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated for that purpose by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

ARTICLE 8. The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

ARTICLE 9. It is further agreed that all arrears of annuities which have accrued or may accrue under the provisions of former treaties prior to the ratification of this treaty, shall be paid to said Indians as soon as practicable, and that upon such ratification such former treaty shall thenceforth be abrogated and of no binding force or validity.

In testimony whereof, the said commissioners as aforesaid, and the undersigned chiefs and headmen of the confederated tribes of the Arrapahoes and Cheyennes of the Upper Arkansas, have hereunto set their hands and seals, at the place and on the day and year first hereinbefore written.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
THOS. MURPHY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]
JAMES STEELE,	[SEAL.]

Commissioners on the part of the United States.

MOKE-TA-VE-TO, or Black Kettle, head chief, his x mark.	[SEAL.]
OH-TO-AH-NE-SO-TO-WHEO, or Seven Bulls, chief, his x mark.	[SEAL.]
HARK-KAH-O-ME, or Little Robe, chief, his x mark.	[SEAL.]
MOKE-TAH-VO-YE-HO, or Black White Man, chief, his x mark.	[SEAL.]
MUN-A-MEN-EK, or Eagle's Head, headman, his x mark.	[SEAL.]
O-TO-AH-NIS-TO, or Bull that Hears, headman, his x mark.	[SEAL.]

On the part of the Cheyennes.

OH-HAS-TEE, or Little Raven, head chief, his x mark.	[SEAL.]
OH-HAH-MAH-HAH, or Storm, chief, his x mark.	[SEAL.]
PAH-UF-PAH TOP, or Big Mouth, chief, his x mark.	[SEAL.]
AH-CRA-KAH-TAU NAH, or Spotted Wolf, chief, his x mark.	[SEAL.]
AH-NAH-WAT-TAN, or Black Man, headman, his x mark.	[SEAL.]
NAH-A-NAH-CHA, or Chief in Everything, headman, his x mark.	[SEAL.]
CHI-E-NUK, or Haversack, headman, his x mark.	[SEAL.]

On the part of the Arrapahoes.

Signed and sealed in the presence of—

JOHN S. SMITH, U. S. Interpreter.	
W. R. IRWIN,	} <i>Secretaries.</i>
O. T. ATWOOD,	
S. A. KINGMAN,	
D. C. MCNEIL,	
E. W. WYNKOOP,	
BON. H. VAN HAVRE,	
J. E. BADGER,	
W. W. RICH.	

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent

to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

May 22, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty between the Commissioners on the part of the United States and the Chiefs and Headmen of and representing the confederated tribes of Ar[r]apahoe and Cheyenne Indians of the Upper Arkansas river, made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS:

- 1st. Article 2, page 3, after the word "tribes," at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.*
- 2d. At the end of article 5 insert the following words: *Provided, that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*
- 3d. Article 6, page 8, lines 4 and 5, strike out the words "by Colonel J. M. Chivington, in command of United States troops."
- 4th. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty, all former treaties are hereby abrogated.*

Attest:

J. W. FORNEY,
Secretary.

And whereas the foregoing amendments having been fully explained and interpreted to the undersigned Chiefs and Headmen of the Arrapahoe and Cheyenne Indians, they did, on the tenth day of November, one thousand eight hundred and sixty-six, on behalf of their respective tribes, give their free and voluntary assent to said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the 22d day of May, A. D. 1866, advise and consent to the ratification of the treaty between the Commissioners on the part of the United States and the Chiefs and Headmen of and representing the confederated tribes of Ar[r]apahoe and Cheyenne Indians of the Upper Arkansas river, made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS:

- 1st. Article 2, page 3, after the word "tribes," at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.*

- 2d. At the end of article 5, insert the following words: *Provided, that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*
- 3d. Article 6, page 8, lines 4 and 5, strike out the words "by Col. J. M. Chivington, in command of United States troops."
- 4th. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty all former treaties are hereby abrogated.*

And whereas the foregoing amendments have been fully interpreted and explained to the undersigned Chiefs and Headmen representing the confederated tribes of the Ar[r]apahoe and Cheyenne Indians of the Upper Arkansas river, we do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, on this 10th day of November, 1866.

OH-HAS-TIE, or Little Raven, head chief.	his x mark.
OH-HAH-MAH-HAH, or Storm.	his x mark.
AH-NAH-WAT-TAN, or Black Man.	his x mark.
CHIE-E-NUK, or Haversack.	his x mark.
NAH-A-NAT-CHA, or Round Chief.	his x mark.
NAH-KIN-NE-HA-NA, or Yellow Rabbit.	his x mark.

On the part of the Ar[r]apahoes.

MOKE-TO-VE-TO, or Black Kettle, head chief.	his x mark.
HARK-KA-O-ME, or Little Robe.	his x mark.
MOKE-TAH-VO-VE-HO, or Black White Man.	his x mark.
MUN-A-MEN-EK, or Eagle Head.	his x mark.
MAK-STE-A, or Big Head.	his x mark.
NAH-A-STO-KE, or Bear Killer.	his x mark.
VOH-IS-TO, or White Buffalo.	his x mark.

On the part of the Cheyennes.

JOHN S. SMITH, *U. S. Ind. Interpreter.*
 CHAS. BOGY, *Special U. S. Ind. Agt.*
 F. W. OLMSTED, *Secretary.*
 W. R. IRWIN, *Spl. U. S. Ind. Agt.*
 D. A. BUTTERFIELD.
 WM. MATHEWSON.
 E. W. WYNKOOP, *U. S. Indian Agent.*

And whereas by the terms of a treaty concluded at the Council Ground on the Little Arkansas river, in the State of Kansas, on the seventeenth day of October, one thousand eight hundred and sixty-five, between the United States and the Apache, Cheyenne, and Arrapahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Arrapahoe Indians, and in article second of said treaty said Apaches are included in the several terms, stipulations, and agreements of the present Treaty of the fourteenth of October, one thousand eight hundred and sixty-five, between the United States and the Cheyenne and Arrapahoe tribes of Indians; and whereas the amendments with which the Senate advised and consented to said Treaty of the fourteenth of October, one thousand eight hundred and sixty-five, on the twenty-second of May, one thousand eight

hundred and sixty-six, having also been fully explained and interpreted to the undersigned Chiefs and Headmen of the said Apache tribe of Indians, they did, on the nineteenth day of November, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments in the words and figures following, to wit:

Whereas the Senate of the United States, in executive session, did, on the 22nd day of May, A. D. 1866, advise and consent to the ratification of the Treaty between the Commissioners on the part of the United States and the Chiefs and Headmen of and representing the confederated tribes of Ar[r]apahoe and Cheyenne Indians of the Upper Arkansas river, made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with the following

AMENDMENTS:

- 1st. Article 2, page 3, after the word "tribes" at the end of line 21, insert the following words: *Provided, however, that as soon as practicable, with the assent of said tribes, the President of the United States shall designate for said tribes a reservation, no part of which shall be within the State of Kansas, and cause them as soon as practicable to remove to and settle thereon, but no such reservation shall be designated upon any reserve belonging to any other Indian tribe or tribes without their consent.*
- 2nd. At the end of Article 5, insert the following words: *Provided that said locations shall not be made upon any lands heretofore granted by the United States to any person, State, or corporation, for any purpose.*
- 3rd. Article 6, page 8, lines 4 and 5, strike out the words "by Col. J. M. Chivington in command of United States troops."
- 4th. Strike out article 9, and insert in lieu thereof the following: *Article 9. Upon the ratification of this treaty all former treaties are hereby abrogated.*

And whereas by the terms of a treaty concluded at the Council Ground on the Little Arkansas river, in the State of Kansas, on the 17th day of October, 1865, between the United States and the Apache, Cheyenne, and Ar[r]apahoe tribes of Indians, the said Apache Indians became confederated with the said Cheyenne and Ar[r]apahoe Indians; and whereas it is provided by article 2 of said treaty that "the several terms, stipulations, and agreements to be done and performed on the part of the United States for and with the said Cheyenne and Ar[r]apahoe tribes of Indians, and by the said Cheyenne and Ar[r]apahoe tribes of Indians for and with the United States, by the provisions of said treaty of October 14th, 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Ar[r]apahoe, and Apache Indians, and on their part shall be done, observed and performed to, with, and for the United States, in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Ar[r]apahoe, and Apache Indians;" and whereas the Senate of the United States, in executive session, did, on the 22nd day of May, A. D. 1866, advise and consent to the ratification of the said treaty between the United States and the Cheyenne and Ar[r]apahoe Indians, made and concluded at the Camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, with certain amendments

fully hereinbefore set forth; and whereas the same have been fully interpreted and explained to the undersigned Chiefs and Headmen of the Apache tribe of Indians, we, the said Chiefs and Headmen, do hereby agree to and ratify the same.

Done at Fort Zarah, Kansas, this the 19th day of November, A. D. 1866.

MAII-VIP-PAH, or the Wolf Sleeve, chief.	his x mark.
KARN-TIN-TAIL, or the Crow, chief.	his x mark.
BA-ZUE-ECH, or Iron Shirt.	his x mark.
NAIIN-TAN, or the Left Hand, chief.	his x mark.
DA-ICH-I-CHIE,	his x mark.
or the One who approaches his enemy.	

Signed in the presence of

JOHN S. SMITH, U. S. Interpreter.
 WM. MATHEWSON.
 F. W. OLMSTED.
 CHAS. BOGY, Spl. U. S. Ind. Agt.
 W. R. IRWIN, Spl. U. S. Ind. Agt.

Now, therefore, be it known, that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty of the fourteenth of October, one thousand eight hundred and sixty-five, with the amendments as aforesaid.

In testimony whereof I have hereto signed my name, and have caused the seal of the United States to be affixed.

Done at the city of Washington, this second day of February, in the year of our Lord one thousand eight hundred and sixty-seven,
 [SEAL.] and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.



1000

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

LOWER BRULÉ BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 14, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the fourteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Muz-zah-wy-ah-tay, (The Iron Nation,) Tah-ton-kah-wak-kon, (Medicine Ball,) and other chiefs and headmen of the Lower Brulé band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Lower Brulé band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Lower Brulé band of Dakota or Sioux Indians, represented in council hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government of the United States or its people.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Lower Brulé band of Dakotas or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Lower Brulé band of Dakotas or Sioux, represented in council, and other tribes of Indians, involving

the question of peace or war, shall be submitted for the settlement of the President or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and in their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of six thousand dollars annually, for twenty years in such articles as the Secretary of the Interior may direct: *Provided*, that said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual, or individuals, or portion of the Lower Brulé band of Dakotas or Sioux, represented in council, desire hereafter to locate permanently upon any part of the lands ceded by the said band, for the purpose of agricultural or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians.

ARTICLE SIXTH.

It is hereby agreed upon the part of the government of the United States, that the said band in Lower Brulé shall locate on a permanent reservation at or near the mouth of the White river, to include Fort Lookout, twenty miles in a straight line above the Missouri river, and ten miles in depth; and that upon the actual occupation of not less than fifty lodges or families of said reservation, and their engaging permanently in agricultural and other kindred pursuits, the government of the United States agree to furnish at its own cost the sum of twenty-five dollars for each and every lodge or family so engaged, as a common fund, to be expended in stock, agricultural and other implements and general improvements as shall be directed by the Secretary of the Interior; the said sum to be furnished annually for five years. It being understood that the said stock, agricultural and other implements shall be and remain the property of the United States, to be used and employed for the exclusive benefit of the lodges or families so located, and in no case to be sold or alienated by the said band or any member thereof; and the United States further engage to employ at its own cost a blacksmith and farmer for the benefit of the said lodges or families.

The United States reserve the right to construct a road or roads through the said reservation.

No white person, other than officers, agents or employés of the United States, shall be permitted to go on or remain on the said reservation, unless previously admitted as a member of the said band according to their usages.

Whenever the Secretary of the Interior may so direct, schools for the instruction of the said band may be opened on the said reservation.

ARTICLE SEVENTH.

The undersigned chiefs of the Brulés, hereby further agree that should the Two Kettles band of the Dakota or Sioux Indians be located adjoining them, they

will cheerfully allow them to do so, and also agree that the employes secured to the Brulés may be used also for the joint benefit of the said Two Kettles, at the discretion of the government.

ARTICLE EIGHTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Lower Brulé band of Dakota or Sioux, have hereunto set their hands, this fourteenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brigadier General,
HENRY W. REED,
ORRIN GUERNSEY,

Commissioners on the part of the United States.

Chiefs.

MUZ-ZAH-WY-AH TAY,

The Iron Nation, his x mark.

TAH-TON-KAH-WAK-KON,

Medicine Ball, his x mark.

PTA-SON-WE-CHAK-TAY,

The One who Killed the White Buffalo Cow, his x mark.

SHE-O-TCHE-KAH,

Little Pheasant, his x mark.

PTA-SAN-MAN-NEE,

White Buffalo Cow that Walks, his x mark.

CHON-TAY-O-KIT-E-KAH,

The Brave Heart, his x mark.

TAH-O-PEE,

The Wounded Man, his x mark.

WAG-AH-MO-AH-WIN,

The Gourd Ear Rings, his x mark.

E-CHAP-SIN-TA-MUZ-ZAH,

The Iron Whip, his x mark.

Chief Soldiers.

ZE-TE-KAH-DAN-SAP-PAH,

The Blackbird, his x mark.

WAH-HAH-CHUNKI-E-UN-KA,

The Shield that Runs, his x mark.

MUCK-A-PEE-E-CHASH-NAH,

The Cloud that Rattles, his x mark.

IS-TO-O-PEE,

The Wounded Arm, his x mark.

MIN-DO-TON-KAH-CHE-KAH,

The Little Partisan, his x mark.

WAH-MIN-DEE-SHON-TON-KAH,

The War Eagle with Large Feathers, his x mark.

Signed by the commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence :

A. W. HUBBARD,
M. C. 6th dist. Iowa.
S. S. CURTIS,
Maj. 2nd Colorado Cav., Bvt. Lt. Col.
W. S. WOODS,
Surgeon U. S. Vols.
E. F. RUTH,
Sec'y to Commission.
R. R. HITT,
Rep'r of Com'n.
ZEPHIER RENCONTRE, his x mark.
CHARLES DEGRE, his x mark.
Interpreters.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

March 5, 1866.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the treaty between the United States of America, by their commissioners, and the chiefs and headmen of the Lower Brulé band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following

AMENDMENT:

Article 4, lines 4, 5, 6, and 7, strike out the following words, viz : "and of their no[n]-interference with the persons and property of citizens of the United States travelling thereon."

Attest :

J. W. FORNEY,
Secretary.

And whereas article eighth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band :

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight

hundred and sixty-six, accept, ratify, and confirm the said treaty, with the amendment as aforesaid.

In testimony whereof, I have signed the same with my hand and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD,

Secretary of State.



TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

APACHE, CHEYENNE, AND ARRAPAHOE
TRIBES OF INDIANS.

CONCLUDED OCTOBER 17, 1865.

RATIFICATION ADVISED, MAY 22, 1866.

PROCLAIMED MAY 26, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the Council ground on the Little Arkansas river, in the State of Kansas, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, James Steele, William W. Bent, Kit Carson, Thomas Murphy, and J. H. Leavenworth, Commissioners, on the part of the United States, and Kon-zhon-ta-co, (Poor Bear,) Ba-zhe-ech, (Iron Shirt,) and other Chiefs and Headmen, on the part of the Apache Tribe of Indians, Moke-ta-ve-to, (Black Kettle,) Oh-to-ah-ne-so-to-who, (Seven Bulls,) and other Chiefs and Headmen, on the part of the Cheyenne Tribe of Indians, and Oh-has-tee, (Little Raven,) Oh-lah-mah-lah, (Storm,) and other Chiefs and Headmen, on the part of the Arrapahoe Tribe of Indians, all of which Chiefs and Headmen were duly authorized thereto by their respective tribes, which treaty is in the words and figures following, to wit:

Whereas a treaty was made and concluded, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of the Cheyenne and Arrapahoe tribes of Indians, on the part of said tribes, on the fourteenth day of October, A. D. 1865, at the Council grounds on the Little Arkansas river, in the State of Kansas; and whereas the Apache Indians, who have been heretofore confederated with the Kiowa and Comanche tribes of Indians, are desirous of dissolving said confederation and uniting their fortunes with the said Cheyennes and Arrapahoes; and whereas the said last named tribes are willing to receive among themselves on an equal footing with the members of their own tribes, the said Apache Indians; and the United States, by their said commissioners, having given their assent thereto; it is therefore hereby agreed by and between the United States, by their said commissioners, and the said Cheyenne, Arrapahoe and Apache Indians, by the undersigned chiefs and headmen of said tribes respectively, as follows, viz:

ARTICLE I.

The said Cheyenne, Arrapahoe and Apache tribes henceforth shall be and they are hereby united, and the United States will hereafter recognize said tribes as the confederated bands or tribes of Cheyenne, Arrapahoe and Apache Indians.

ARTICLE II.

The several terms, stipulations and agreements to be done and performed on the part of the United States for and with the said Cheyenne and Arrapahoe tribes of Indians, and by the said Cheyenne and Arrapahoe tribes of Indians, for and with the United States, by the provisions of said treaty of October 14th, A. D. 1865, shall be done and performed by the United States for and on behalf of the said confederated tribes or bands of Cheyenne, Arrapahoe and Apache Indians, and on their part shall be done, observed and performed to, with and for the United States in the same manner, to the same extent, and for like objects, to all intents and purposes, as would have been the case had said treaty been originally made and executed with the said confederated tribes of Cheyenne, Arrapahoe and Apache Indians.

In testimony whereof, the undersigned, commissioners on the part of the United States, and the chiefs and headmen of said tribes, have hereunto set their hands and seals at the Council ground on the Little Arkansas, in the State of Kansas, this 17th day of October, A. D. 1865.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
JAMES STEELE,	[SEAL.]
WM. W. BENT,	[SEAL.]
KIT CARSON,	[SEAL.]
THOS. MURPHY,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]

Commissioners on the part of the United States.

KOU-ZHON-TA-CO,	
or Poor Bear, head chief, his x mark.	[SEAL.]
BA-ZHE-ECH,	
or Iron Shirt, chief, his x mark.	[SEAL.]
AZ-CHE-OM-A-TE-NE,	
or the Old Fool Man, chief, his x mark.	[SEAL.]
KARN-TIN-TA,	
or The Crow, chief, his x mark.	[SEAL.]
MAH-VIP-PAH,	
or The Wolf Sleeve, chief, his x mark.	[SEAL.]
NAHN-TAN,	
or The Chief, his x mark.	[SEAL.]
On the part of the Apaches,	
MOKE-TA-VE-TO,	
or Black Kettle, head chief, his x mark.	[SEAL.]
OH-TO-AH-NE-SO-TO-WHEO,	
or Seven Bulls, chief, his x mark.	[SEAL.]
HARK-KAH-O-ME,	
or Little Robe, chief, his x mark.	[SEAL.]
MOKE-TAH-VO-VE-HO,	
or Black White Man, chief, his x mark.	[SEAL.]
MUN-A-MEN-EK,	
or Eagle's Head, headman, his mark.	[SEAL.]
O-TO-AH-NIS-TO,	
or Bull that Hears, headman, his x mark.	[SEAL.]
On the part of the Cheyennes.	

OH-HAS-TEE,
 or Little Raven, head chief, his x mark. [SEAL.]
 OH-HAH-MAH-IIAH,
 or Storm, chief, his x mark. [SEAL.]
 PAH-UF-PAH-TOP,
 or Big Mouth, chief, his x mark. [SEAL.]
 AH-CRA-KA-TAU-NAH,
 or Spotted Wolf, chief, his x mark. [SEAL.]
 AH-NAH-WAT-TAU,
 or Black Man, headman, his x mark. [SEAL.]
 NAH-A-NAH-CHA,
 Chief in Everything, headman, his x mark. [SEAL.]
 CHI-E-NUK,
 or Haversack, headman, his x mark. [SEAL.]
 On the part of the Arrapahoes.

Signed and sealed in presence of—

W. R. IRWIN, Secretary.

D. C. MCNEIL.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 May 22, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States, by their Commissioners, and the Chiefs and Headmen of the Apaches and Cheyennes and Ar[r]apahoes, respectively, made and concluded at the Council ground on the Little Arkansas, in the State of Kansas, on the 17th of October, 1865.

Attest:

J. W. FORNEY,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senatc, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-sixth day of May, in the year of [SEAL.] our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.



1518

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CAMANCHE AND KIOWA TRIBES OF INDIANS.

CONCLUDED OCTOBER 18, 1865.

RATIFICATION ADVISED, MAY 22, 1866.

PROCLAIMED MAY 26, 1866.

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ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the Council ground on the Little Arkansas river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Kit Carson, William W. Bent, James Steele, Thomas Murphy, and J. H. Leavenworth, Commissioners, on the part of the United States, and Tab-e-nan-i-kah, (Rising Sun,) Esh-e-tave-pa-rab, (Female Infant,) and other Chiefs and Headmen, on the part of the Camanche Bands of Indians, and Queil-park, (Lone Wolf,) Wah-toh-konk, (Black Eagle,) and other Chiefs and Headmen, on the part of the Kiowa Tribe of Indians, all of which Chiefs and Headmen were duly authorized thereto by their respective bands and tribes, which treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded at the Council ground on the Little Arkansas river eight miles from the mouth of said river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between John B. Sanborn, William S. Harney, Thomas Murphy, Kit Carson, William W. Bent, Jesse H. Leavenworth, and James Steele, commissioners on the part of the United States, and the undersigned chiefs and headmen of the several bands of Camanche Indians specified in connexion with their signatures, and the chiefs and headmen of the Kiowa tribe of Indians, the said chiefs and headmen by the said bands and tribes being thereunto duly authorized.

ARTICLE I.

It is agreed by the parties to this treaty that hereafter perpetual peace shall be maintained between the people and Government of the United States and the Indians parties hereto, and that the Indians parties hereto shall forever remain at peace with each other and with all other Indians who sustain friendly relations with the Government of the United States.

For the purpose of enforcing the provisions of this article, it is agreed that in case hostile acts or depredations are committed by the people of the United States, or by the Indians on friendly terms with the United States, against the tribe or tribes or the individual members of the tribe or tribes who are parties

to this treaty, such hostile acts or depredations shall not be redressed by a resort to arms, but the party or parties aggrieved shall submit their complaints, through their agent, to the President of the United States, and thereupon an impartial arbitration shall be had under his direction, and the award thus made shall be binding on all parties interested, and the Government of the United States will in good faith enforce the same.

And the Indians parties hereto, on their part, agree, in case crimes or other violations of law shall be committed by any person or persons members of their tribe, such person or persons shall, upon complaint being made in writing, to their agent, superintendent of Indian affairs, or to other proper authority, by the party injured, and verified by affidavit, be delivered to the person duly authorized to take such person or persons into custody, to the end that such person or persons may be punished according to the laws of the United States.

ARTICLE II.

The United States hereby agree that the district of country embraced within the following limits, or such portion of the same as may hereafter from time to time be designated by the President of the United States for that purpose, viz: commencing at the northeast corner of New Mexico, thence south to the southeast corner of the same; thence northeastwardly to a point on main Red river opposite the mouth of the North Fork of said river; thence down said river to the 98th degree of west longitude; thence due north on said meridian to the Cimarrone river; thence up said river to a point where the same crosses the southern boundary of the State of Kansas; thence along said southern boundary of Kansas to the southwest corner of said State; thence west to the place of beginning, shall be and is hereby set apart for the absolute and undisturbed use and occupation of the tribes who are parties to this treaty, and of such other friendly tribes as have heretofore resided within said limits, or as they may from time to time agree to admit among them, and that no white person except officers, agents, and employes of the government shall go upon or settle within the country embraced within said limits, unless formally admitted and incorporated into some one of the tribes lawfully residing there, according to its laws and usages. The Indian parties hereto on their part expressly agree to remove to and accept as their permanent home the country embraced within said limits, whenever directed so to do by the President of the United States, in accordance with the provisions of this treaty, and that they will not go from said country for hunting or other purposes without the consent in writing of their agent or other authorized person, specifying the purpose for which such leave is granted, and such written consent in all cases shall be borne with them upon their excursions, as evidence that they are rightfully away from their reservation, and shall be respected by all officers, employes and citizens of the United States, as their sufficient safeguard and protection against injury or damage in person or property, by any and all persons whomsoever. It is further agreed by the Indians parties hereto that when absent from their reservation, they will refrain from the commission of any depredations or injuries to the person or property of all persons sustaining friendly relations with the Government of the United States; that they will not while so absent encamp, by day or at night, within ten miles of any of the main travelled routes or roads through the country to which they go, or of the military posts, towns or villages therein, without the consent of the commanders of such military posts, or of the civil authorities of such towns or

villages, and that henceforth they will and do hereby relinquish all claims or rights in and to any portion of the United States or territories, except such as is embraced within the limits aforesaid, and more especially their claims and rights in and to the country north of the Cimarrone river and west of the eastern boundary of New Mexico.

ARTICLE III.

It is further agreed that until the Indians parties hereto have removed to the reservation provided for by the preceding article, in pursuance of the stipulations thereof, said Indians shall be and they are hereby expressly permitted to reside upon and range at pleasure throughout the unsettled portions of that part of the country they claim as originally theirs, which lies south of the Arkansas river, as well as the country embraced within the limits of the reservation provided for by the preceding article, and that they shall and will not go elsewhere, except upon the terms and conditions prescribed by the preceding article in relation to leaving said reservation: *Provided*, That the provisions of the preceding article in regard to encamping within ten miles of main travelled routes, military posts, towns and villages, shall be in full force as to the privileges granted by this article: *And provided further*, That they, the said Indians, shall and will at all times, and without delay, report to the commander of the nearest military post the presence in or approach to said country of any hostile band or bands of Indians whatever.

ARTICLE IV.

It is further agreed by the parties hereto that the United States may lay off and build through the reservation, provided for by article II of this treaty, roads or highways as may be deemed necessary, and may also establish such military posts within the same as may be found necessary, in order to preserve peace among the Indians, and in order to enforce such laws, rules and regulations as are now or may from time to time be prescribed by the President and Congress of the United States for the protection of the rights of persons and property among the Indians residing upon said reservation, and further, that in time of war such other military posts as may be considered essential to the general interests of the United States may be established: *Provided, however*, That upon the building of such roads, or establishment of such military posts, the amount of injury sustained by reason thereof by the Indians inhabiting said reservation shall be ascertained under direction of the President of the United States, and thereupon such compensation shall be made to said Indians as, in the judgment of the Congress of the United States, may be deemed just and proper.

ARTICLE V.

The United States agree that they will expend annually, during the period of forty years, from and after the ratification of this treaty, for the benefit of the Indians who are parties hereto, and of such others as may unite with them in pursuance of the terms hereof, in such manner and for such purposes as, in the judgment of the Secretary of the Interior for the time being, will best subserve their wants and interests as a people, the following amounts, that is to say, until such time as said Indians shall be removed to their reservations, as provided for by article II of this treaty, an amount which shall be equal to ten dollars per capita for each person entitled to participate in the beneficial provisions of this treaty;

and from and after the time when such removal shall have been accomplished, an amount which shall be equal to fifteen dollars per capita for each person entitled as aforesaid. Such proportion of the expenditure provided for by this article as may be considered expedient to distribute in the form of annuities shall be delivered to said Indians as follows, viz: one-third thereof during the spring, and two-thirds thereof during the autumn of each year.

For the purpose of determining from time to time the aggregate amount to be expended under the provisions of this article, it is agreed that the number entitled to its beneficial provisions the coming year is four thousand, and that an accurate census of the Indians entitled shall be taken at the time of the annuity payment in the spring of each year by their agent or other person designated by the Secretary of the Interior, which census shall be the basis on which the amount to be expended the next ensuing year shall be determined.

ARTICLE VI.

The Indians parties to this treaty expressly covenant and agree that they will use their utmost endeavors to induce that portion of the respective tribes not now present to unite with them and accede to the provisions of this treaty, which union and accession shall be evidenced and made binding on all parties whenever such absentees shall have participated in the beneficial provisions of this treaty.

In testimony whereof, the said commissioners on the part of the United States, and the chiefs and headmen of the said bands of Camanche Indians and of the Kiowa tribe of Indians, hereinbefore referred to, and designated in connexion with their signatures, have hereunto subscribed their names and affixed their seals on the day and year first above written.

JOHN B. SANBORN,	[SEAL.]
WM. S. HARNEY,	[SEAL.]
KIT CARSON,	[SEAL.]
WM. W. BENT,	[SEAL.]
JAMES STEELE,	[SEAL.]
THOS. MURPHY,	[SEAL.]
J. H. LEAVENWORTH,	[SEAL.]

Commissioners on the part of the United States.

Signed and sealed in presence of—

W. R. IRWIN, Secretary,
WM. T. KITTRIDGE,
D. C. MCNEIL,
JAS. S. BOYD.

TAB-E-NAN-I-KAH,
or Rising Sun, his x mark, [SEAL.]

Chief of Yampirica, or Root Eater band of Camanches, for Paddy-wah-say-mer and Ho-to-yo-koh-wat's bands.

ESH-E-TAVE-PA-RAH,
or Female Infant, his x mark, [SEAL.]

Headman of Yampirica band of Camanches.

A-SHA-HAB-BEET,
or Milky Way, his x mark, [SEAL.]

Chief Penue-tula, or Sugar Eater band of Camanches, and for Co-che-te-ka or Buffalo Eater band.

QUEEN-AH-E-VAH,
 or Eagle Drinking, his x mark, [SEAL.]
 Head chief of No-co-nee or Go-about band of Camanches.
 TA-HA-YER-QUOIP,
 or Horse's Back, his x mark, [SEAL.]
 2d chief of No-co-nee or Go-about band of Camanches.
 POCHA-NAW-QUOIP,
 or Buffalo Hump, his x mark, [SEAL.]
 3d chief of Pennetaka, or Sugar Eater band of Camanches.
 HO-TO-YO-KOH-WOT,
 or Over the Buttes, his x mark, [SEAL.]
 Chief of Yampirica band.
 PARRY-WAH-SAY-MER,
 or Ten Bears, his x mark, [SEAL.]
 Chief of Yampirica band.
 BO-YAH-WAH-TO-YEH-BE,
 or Iron Mountain, his x mark, [SEAL.]
 Chief of Yampirica band of Camanches.
 BO-WAH-QUAS-SUII,
 or Iron Shirt, his x mark, [SEAL.]
 Chief of De-na-vi band, or Liver Eater band of Camanches.
 TO-SA-WI,
 or Silver Brooch, his x mark, [SEAL.]
 Head Chief of Pennetaka band of Camanches.
 QUEHL-PARK,
 or Lone Wolf, his x mark, [SEAL.]
 WAH-TOH-KONK,
 or Black Eagle, his x mark, [SEAL.]
 ZIP-KI-YAH,
 or Big Bow, his x mark, [SEAL.]
 SA-TAN-TA,
 or White Bear, his x mark, [SEAL.]
 TON-A-EN-KO,
 or Kicking Eagle, his x mark, [SEAL.]
 SETTEM-KA-YAIL,
 or Bear Runs over a Man, his x mark, [SEAL.]
 KAW-PE-AH,
 or Plumed Lance, his x mark, [SEAL.]
 TO-HAU-SON,
 or Little Mountain, his x mark, [SEAL.]
 SA-TANK,
 or Sitting Bear, his x mark, [SEAL.]
 PAWNEE,
 or Poor Man, his x mark, [SEAL.]
 TA-KI-BULL,
 or Stinking Saddle Cloth, his x mark, [SEAL.]
 Chief of the Kiowa tribe.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-second day of May, one thousand eight hundred and sixty-six, advise and consent

to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
May 22, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at the council ground on the Little Arkansas river, eight miles from the mouth of said river, in the State of Kansas, on the eighteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between the Commissioners on the part of the United States, and the Chiefs and Headmen of the Kiowa tribe of Indians.

Attest:

J. W. FORNEY,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-second of May, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-sixth day of May, in the year of
[SEAL.] our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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T R E A T Y

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

BLACKFEET BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 19, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING.

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Wah-hah-ehunk-i ah-pee, (The One that is used as a Shield,) Wah-run-dee-wak-ko-no, (The War Eagle in the Air,) and other Chiefs and Headmen of the Blackfeet band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Blackfeet band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Blackfeet band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force to prevent other bands of the Dakota or Sioux, or other adjacent tribes from making hostile demonstrations against the government of the United States, or its people.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Blackfeet band of Dakota or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue for the future all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Blackfeet band of Dakota or Sioux, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band, represented in council, shall withdraw from the routes overland, already established or hereafter to be established, through their country, and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of seven thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Any amendment or modification of this treaty, by the [Senate of the United States shall be considered final and binding upon the] said band represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said nation.

In testimony whereof the commissioners on the part of the United States, and the chiefs and headmen of the said Blackfeet band of the Dakota or Sioux, have heremto set their hands, this nineteenth day of October, one thousand eight hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. General,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

WAH-HAH-CHUNK-J-AH-PEE,
The One that is used as a Shield, his x mark.
WAH-MUN-DEE-WAK-KON-O,
The War Eagle in the Air, his x mark.
OYA-HIN-DI-A-MAN-NEE,
The Track that Rings as it Walks, his x mark.
SHON-KAH-HON-SKAH,
The Long Dog, his x mark.

Principal Braves or Soldiers.

MAH-TO-KO-KE-PAH,
He that Fears the Bear, his x mark.
A-HACK-AH-SAP-PAH,
The Black Stag, his x mark.

A-HACK-AH-WE-CHASH-TAH,
 The Stag Man, his x mark.
 MAH-TO-WASH-TAY,
 The Good Bear, his x mark.
 TAIL-TON-KAH-HO-WASH-TAY,
 The Buffalo with a Fine Voice, his x mark.
 SHON-KAH-WAH-MUN-DEE,
 The Dog War Eagle, his x mark.
 WAH-MUN-DEE-YOU-HAH,
 He that has the War Eagle, his x mark.
 MUZ-ZAH-TO-YAH,
 The Blue Iron, his x mark.
 Chief CHAN-TA-PA-TA,
 Fire Heart, his x mark.
 Chief CHAN-TA-NON-PAS,
 Two Hearts, his x mark.

Signed by the commissioners on the part of the United States, and by the chiefs and headmen after the treaty had been fully read, interpreted, and explained, in our presence:

A. W. HUBBARD,
 M. C. 6th dist. Iowa.
 E. F. RUTH,
 Sec'y to Commission.
 O. D. BARRETT,
 Special Agent Ind. Affs.
 S. S. CURTIS,
 Maj. 2nd Colorado Cav.
 R. R. HITT,
 Reporter of the Commission.
 ZEPHIER RENCONTRE, his x mark,
 CHARLES DEGRES, his x mark,
 Interpreter[s.]

Soldiers.

CE-HA-PA-CHI-KE-LA,
 Little Blackfoot, his x mark.
 CHAN-TA-PE-A,
 Strong Heart, his x mark.
 NON-PA-GE-GU-MUGAMA,
 Round Hand, his x mark.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at

Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States and the chiefs and headmen of the Blackfeet band of *Dacotah* [Dakota] or Sioux Indians, with the following

AMENDMENT:

Article 4, lines 4, 5, and 6, strike out the following words, viz: "and of their ~~no[n]-~~interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY.

Secretary.

And whereas it was intended and understood by article fifth of said treaty that any amendment or modification of it by the Senate of the United States should be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the [SEAL] year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

1860

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

TWO KETTLES BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 19, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the nineteenth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Cha-tan-skah, (The White Hawk,) E-to-ke-ah, (The Hump,) and other chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, sup't of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Two Kettles band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Two Kettles band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota or Sioux, or other adjacent tribes, from making hostile demonstrations against the government of the United States or its people.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction, hitherto at war with each other, the Two Kettles band of Dakota or Sioux, represented in council, anxious to respect the wishes of the government, hereby agree and bind themselves to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first assailed by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Two Kettles band of Dakota or Sioux, represented in council, and other tribes of Indians, involving the question of justice or wrong, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band, represented in council, shall withdraw from the routes overland already established, or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property in transit of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of six thousand dollars annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That the said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the Two Kettles band of Dakota or Sioux Indians, represented in council, desire hereafter to leave permanently upon any part of the land claimed by the said band, for the purpose of agriculture or other pursuits, it is hereby agreed by the parties to this treaty that such individual or individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and where twenty lodges or families of the Two Kettles band shall have located on lands for agricultural purposes, and identified the same to their agent or superintendent, they as well as other families so locating, shall receive the sum of twenty-five dollars, annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, also teachers, at the option of the Secretary of the Interior, when deemed necessary.

ARTICLE SIXTH.

Soldiers in the United States service having killed Ish-tah-ehah-ne-ah, (Puffing Eyes), a friendly chief of the Two Kettles band of Dakota or Sioux Indians, it is hereby agreed that the government of the United States shall cause to be paid to the surviving widow of the deceased and his children, seventeen in number, the sum of five hundred dollars; and to the said tribe or band, in common, as indemnity for killing said chief, the sum of five hundred dollars, said payment to be made under the direction of the Secretary of the Interior.

ARTICLE SEVENTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Two Kettles band of Dakota or Sioux, have hereunto set their hands, this nineteenth day of October, one thousand eight

hundred and sixty-five, after the contents had previously been read, interpreted and explained to the said chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. General,
HENRY W. REED,
ORRIN GUERNSEY,
Commissioners on the part of the United States.

CHA-TAN-SKAH,
The White Hawk, his x mark, chief.
E-TO-KE-AH,
The Hump, his x mark, chief.
SHON-KAH-WAK-KON-KE-DESH-KAH,
The Spotted Horse, his x mark, chief.
MAH-TO-KE-DESH-KAH,
The Spotted Bear, his x mark, chief.
MAH-TO-TO-PAH,
The Four Bears, his x mark.
CHAN-TAY-O-ME-NE-O-ME-NE,
The Whirling Heart, his x mark.
MAH TO-A-CHA-CHAH,
The Bear that is like him, his x mark.
TAH-HOO-KA-ZAH-NOM-PUB,
The Two Lances, his x mark.
MAH-TO-TON-KAH,
The Big Bear, his x mark.
TO-KE-CHI-WY-A,
He that Catches the Enemy, his x mark.
MAH-TO-NAN-GEE,
The Bear that Stands, his x mark.
SHON-KAH-DOO-TAH,
The Red Dog, his x mark.
CHON-NOM-PAH-PA-GE-NAN-KAH,
He that wears the Pipe on his head, his x mark.
TAH-SHON-KAH-MUZ-ZAH,
His Iron Dog, his x mark.
HO-PO-E-MUZ-ZAH,
The Iron Wing, his x mark.
CHAH-GE-LESH-KAH-WAK-KE-AN,
The Thunder Spotted Hoop, his x mark.
HAK-KAH-DOO-SAH,
The Fast Elk, his x mark.
WY-AH-TAH-TON-KAH,
The Big Nation, his x mark.
WE-KEE-PAH,
The One that Calls the Women, his x mark.
PA-JE-TO,
Green Grass, his x mark.
Chief CHON-KA-HAS-KA,
Stinking Dog, his x mark.
Chief PA-TA-SEA-WAH-BEL-LU,
White Cow Eagle, his x mark

Signed by the commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained, in our presence :

A. W. HUBBARD,
M. C. 6th dist. Iowa.
HEZ. L. HOSMER,
Chief Justice of Montana Territory.
CHAS. C. G. THORNTON,
Lt. Col. 4th U. S. Vols.
E. F. RUTH,
Sec'y of Commission.
O. D. BARRETT,
Special Agent Ind. Aff.
ZEPHIER RENCONTRE, his x mark,
CHARLES DEGRE, his x mark,
Interpreters.

The foregoing signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned.

Maj. A. P. SHREVE,
Paymaster U. S. A.
JOHN PATTEE,
Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5, 1866.

*Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the commissioners on the part of the United States and the chiefs and headmen of the Two Kettles band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following*

AMENDMENT:

Article 4, lines 4, 5, 6, and 7, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
Secretary.

And whereas article seventh of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

ONK-PAH-PAH BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 20, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a treaty was made and concluded at Fort Sally, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Ah-ke-tche-tah-hon-skah, (The Tall Soldier,) Mah-to-che-kah, (The Little Bear,) and other Chiefs and Headmen of the Onk-pah-pah band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :

Articles of a treaty made and concluded at Fort Sally, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Onk-pah-pah band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Onk-pah-pah band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Onk-pah-pah band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Onkpahpah band of Dakota or Sioux Indians involving the question of peace or war shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council, shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the Onkpahpah band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that such individual shall be protected in such location against any annoyance or molestation on the part of whites or Indians, and whenever twenty lodges or families of the Onkpahpah band shall have located on land for agricultural purposes, and signified the same to their agents or superintendent, they as well as other families so locating shall receive the sum of twenty-five dollars annually for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE SIXTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Onkpahpah band of Dakota or Sioux Indians, have herunto set their hands this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

AH-KE-TCHE-TAH-HON-SKAH,
 The Tall Soldier, his x mark.
 MAH-TO-CHE-KAH,
 The Little Bear, his x mark.
 MUZZAH-E-NOM-PAH,
 The Iron that Comes Out, his x mark.
 WAK-KE-AN-SKAH,
 The White Thunder, his x mark.

Chief Soldiers.

MAH-TO-NOM-PAH,
 The Two Bears, his x mark.
 CHA-TAN-ME-NE-O-ME-NEE,
 The Whirling Heart, his x mark.

Chiefs.

MA-TO-CHEWICKSA,
 Bear's Rib, his x mark.
 RUNNING ANTELOPE,
 Ta-to-kec-un, his x mark.
 THE MAN THAT HAS A HEART FOR ALL,
 O-en-e-chan-ta-u-can, his x mark.

Soldiers.

THUNDER HAWK,
 Cha-ton-wa-ke-on, his x mark.
 IRON HORN,
 Ha-ma-za, his x mark.
 PLENTY CROWS,
 Con-ge-o-ta, his x mark.
 THE MAN THAT FEARS THE EAGLE,
 Wam-bel-le-co-ke-pa, his x mark.
 SPOTTED BUFFALO BULL,
 Ta-tanka-ge-lis-ka, his x mark.

Signed by the commissioners on the part of the United States, and by the chiefs and headmen, after the treaty had been fully read, interpreted, and explained in our presence:

HEZ. L. HOSMER,
 Chief Justice of Montana Territory.
 S. S. CURTIS,
 Bvt. Lt. Col., U. S. V.
 E. F. RUTH,
 Sec'y of Commission.
 W. S. WOODS,
 Surgeon U. S. Vols.
 C. S. MORRISON.
 O. E. GUERNSEY.
 CHARLES DEGRE, his x mark,
 Interpreter.

The foregoing signatures to this handwriting (that of Genl. Curtis) were made in presence of the undersigned on the 28th and 29th Oct., 1865, at Fort Sully.

MAJ. A. P. SHREVE,
Paymaster U. S. A.
JOHN PATTEE,
Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its consideration thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5th, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States and the chiefs and headmen of the Onk-pah-pah band of *Dacotah* (Dakota) or Sioux Indians, with the following

AMENDMENT:

Article 4. *Lines 4, 5, and 6, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."*

Attest:

J. W. FORNEY,
Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year [SEAL] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetyeth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SANS ARCS BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 20, 1865

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Wah-mun-dee-o-pee-doo-tah, (The War Eagle with the Red Tail,) Cha-tau-hne, (The Yellow Hawk,) and other Chiefs and Headmen of the Sans Arcs band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Sans Arcs band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Sans Arcs band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Sans Arcs band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

1

ARTICLE THIRD.

All controversies or differences arising between the Sans Arcs band of Dakota or Sioux Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council shall withdraw from the route overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals or portion of the band of the Sans Arcs band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty, that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the Sans Arcs band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they, as well as other families so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits they shall be entitled to a farmer and blacksmith, at the expense of the government; as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE SIXTH.

Any amendment or modification of this treaty, by the Senate of the United States, shall be considered final and binding upon the said band represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Sans Arcs band of Dakota or Sioux Indians, have hereunto set their hands this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
HENRY H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

Chiefs.

WAH-MUN-DEE-O-PEE-DOO-TAH,
The War Eagle with the Red Tail, his x mark.
CHA-TAU'HNE,
Yellow Hawk, his x mark.
SHON-KAH-WE-TE-KO,
The Fool Dog, his x mark.

Chief Soldiers.

CHAN-TAY-MAH-TO,
The Bear's Heart, his x mark.
TAH-KO-KO-KE-PISH-NEE,
The Man that Fears Nothing, his x mark.
NUP-CHE-UNK,
The Nine, his x mark.
MAH-TO-NUK-KAH,
The Bear's Ears, his x mark.
CHAN-DESH-KAH-SAPPAH,
The Black Hoop, his x mark.
ZE-TE-KAH-NAH-SAPPEE,
The Bird Necklace, his x mark.

Signed by the commissioners on the part of the United States, and by the chiefs and headmen after the treaty had been fully read, interpreted, and explained, in our presence:

HEZ. L. HOSMER,
Chief Justice of Montana Territory.

S. S. CURTIS,
Bvt. Lt. Col. U. S. V.

E. F. RUTH,
Sec'y of Commission.

W. S. WOODS,
Surgeon U. S. Vols.

C. S. MORRISON,

O. E. GUERNSEY,

CHARLES DEGRE,
his x mark, Interpreter.

Chief CROW FEATHER,
Con-ge-we-a-ka, his x mark.

GRAY HAIR,
Pa-he-sa, his x mark.

RED HAIR,
Pa-he-sha, his x mark.

THE SHIELD EAGLE,
Wa-chan-ka-wam-ba-lee, his x mark.

BLACK BEAR,
Ma-to-sapa, his x mark.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and con-

sent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5th, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States, and the chiefs and headmen of the Sans Arcs band of Dacotah [Dakota] or Sioux Indians, with the following

AMENDMENT:

Article 4, lines 4, 5, and 6, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

YANKTONAI BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 20, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twentieth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and M'Doka, (The Buck,) Mah-to-wak-konah, (He that runs the Bear,) and other chiefs and headmen of the Yanktonai band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit :

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Yanktonai band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Yanktonai band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if requisite, physical force, to prevent other bands of Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Yanktonai band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue, for the future, all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Yanktonai band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award shall be faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band, represented in council shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of thirty dollars for each lodge or family, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the Yanktonai band of Dakota or Sioux Indians represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that such individual shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the Yanktonai band shall have located on lands for agricultural purposes, and signified the same to their agents or superintendent they, as well as other families so locating, shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE SIXTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Yanktonai band of Dakota or Sioux Indians, have hereunto set their hands, this twentieth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

The foregoing signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned on the 28th and 29th Oct., 1865, at Fort Sully.

Maj. A. P. SHREVE,
Paymaster U. S. A.
JOHN PATTIE,
Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 5, 1866.

*Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between the commissioners on the part of the United States and the Upper Yanktonai band of *Dacotah* [Dakota] or Sioux Indians, with the following*

AMENDMENT:

Article 4, lines 4, 5, and 6, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this seventeenth day of March, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:
WILLIAM H. SEWARD,
Secretary of State.

1864

T R E A T Y

B E T W E E N

THE UNITED STATES OF AMERICA

A N D T H E

O'GALLALA BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 28, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners, on the part of the United States, and Tan-tan-ka-has-ka, (Long Bull.) Ma-to-wa-ta-khe, (The Charging Bear,) and other chiefs and headmen of the O'Gallala band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex-officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Maj. General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the O'Gallala band of Dakota or Sioux Indians.

ARTICLE FIRST.

The O'Gallala band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the O'Gallala band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the O'Gallala band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted *shall be submitted* for the arbitrament of the *arbitrament of the* President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council shall withdraw from the routes over-land already established or hereafter to be established through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay to the said band the sum of ten thousand dollars annually for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band, so represented in council, shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the [O'Gallala] band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty, that such individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians; and whenever twenty lodges or families of the O'Gallala band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they as well as other families so locating shall receive the sum of twenty-five dollars annually, for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE SIXTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said O'Gallala band of Dakota or Sioux Indians, have herunto set their hands this twenty-sixth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

Signed on the part of the commission, in our presence:

S. L. SPINK,
 GEO. D. HILL,
 A. W. HUBBARD,
 G. C. MOODY.
 Chief LONG BULL,
 Tan-tan-ka-has-ka, his x mark.
 THE CHARGING BEAR,
 Ma-to-wa-ta-khe, his x mark.
 THE MAN THAT STANDS ON A HILL,
 Pa-ha-to-ma-je, his x mark.

The foregoing signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned on the 28th and 29th Oct., 1865, at Fort Sully.

MAJ. A. P. SHIREVE,
 Paymaster U. S. A.
 JOHN PATTEE,
 Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5, 1866.

*Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and headmen of the O'Gallala band of *Dacotah* [Dakota] or Sioux Indians, made and concluded at Fort Sully, in the Territory of Dakota, with the following*

AMENDMENT:

Article 4, lines 5, 6, and 7, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
 Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight

hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

1865

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

UPPER YANKTONAIS BAND OF DAKOTA OR SIOUX INDIANS.

CONCLUDED OCTOBER 28, 1865.

RATIFICATION ADVISED, WITH AMENDMENT, MARCH 5, 1866.

PROCLAIMED MARCH 17, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Sully, in the Territory of Dakota, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-five, by and between Newton Edmunds, Edward B. Taylor, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, Commissioners, on the part of the United States, and Na-su-la-tan-ka, (Big Head,) Na-pa-tan-ka, (Big Hand,) and other Chiefs and Head Men of the Upper Yanktonais band of Dakota or Sioux Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Fort Sully, in the Territory of Dakota, by and between Newton Edmunds, governor and ex officio superintendent of Indian affairs of Dakota Territory, Edward B. Taylor, superintendent of Indian affairs for the northern superintendency, Major General S. R. Curtis, Brigadier General H. H. Sibley, Henry W. Reed, and Orrin Guernsey, commissioners on the part of the United States, duly appointed by the President, and the undersigned chiefs and headmen of the Upper Yanktonais band of Dakota or Sioux Indians.

ARTICLE FIRST.

The Upper Yanktonais band of Dakota or Sioux Indians, represented in council, hereby acknowledge themselves to be subject to the exclusive jurisdiction and authority of the United States, and hereby obligate and bind themselves, individually and collectively, not only to cease all hostilities against the persons and property of its citizens, but to use their influence, and, if necessary, physical force, to prevent other bands of the Dakota Indians, or other adjacent tribes, from making hostile demonstrations against the government or people of the United States.

ARTICLE SECOND.

Inasmuch as the government of the United States is desirous to arrest the effusion of blood between the Indian tribes within its jurisdiction hitherto at war with each other, the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, anxious to respect the wishes of the government, hereby agree to discontinue for the future all attacks upon the persons or property of other tribes, unless first attacked by them, and to use their influence to promote peace everywhere in the region occupied or frequented by them.

ARTICLE THIRD.

All controversies or differences arising between the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, and other tribes of Indians, involving the question of peace or war, shall be submitted for the arbitrament of the President, or such person or persons as may be designated by him, and the decision or award faithfully observed by the said band represented in council.

ARTICLE FOURTH.

The said band represented in council, shall withdraw from the routes overland already established, or hereafter to be established, through their country; and in consideration thereof, and of their non-interference with the persons and property of citizens of the United States travelling thereon, the government of the United States agree to pay the said band the sum of ten thousand dollars, annually, for twenty years, in such articles as the Secretary of the Interior may direct: *Provided*, That said band so represented in council shall faithfully conform to the requirements of this treaty.

ARTICLE FIFTH.

Should any individual or individuals, or portion of the band of the Upper Yanktonais band of Dakota or Sioux Indians, represented in council, desire hereafter to locate permanently upon any land claimed by said band for the purposes of agricultural or other similar pursuits, it is hereby agreed by the parties to this treaty that said individuals shall be protected in such location against any annoyance or molestation on the part of whites or Indians, and whenever twenty lodges or families of the Upper Yanktonais band shall have located on land for agricultural purposes, and signified the same to their agent or superintendent, they, as well as other families so locating, shall receive the sum of twenty-five dollars annually for five years, for each family, in agricultural implements and improvements; and when one hundred lodges or families shall have so engaged in agricultural pursuits, they shall be entitled to a farmer and blacksmith, at the expense of the government, as also teachers, at the option of the Secretary of the Interior, whenever deemed necessary.

ARTICLE SIXTH.

Any amendment or modification of this treaty by the Senate of the United States shall be considered final and binding upon the said band, represented in council, as a part of this treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band.

In testimony whereof, the commissioners on the part of the United States, and the chiefs and headmen of the said Upper Yanktonais band of Dakota or Sioux Indians, have hereunto set their hands this twenty-eighth day of October, eighteen hundred and sixty-five, after the contents had previously been read, interpreted, and explained to the chiefs and headmen.

NEWTON EDMUNDS,
EDWARD B. TAYLOR,
S. R. CURTIS, Maj. Gen'l,
H. H. SIBLEY, Brig. Gen'l,
HENRY W. REED,
ORRIN GUERNSEY.

The above signatures were made in our presence:

GEO. D. HILL.
 S. L. SPINK.
 A. W. HUBBARD.
 G. C. MOODY.
 Chief: Big Head,
 NA-SU-LA-TAN-KA, his x mark.
 Soldier: Big Hand,
 NA-PA-TANKA, his x mark.
 Soldier: Left-handed Bear,
 MA-TO-CHAT-KA, his x mark.
 Soldier: The Fine Dressed Man,
 WA-ICH-CO-YA-KA, his x mark.
 The Man Covered with Lice,
 HA-O-POO-ZA, his x mark.
 Little Soldier,
 A-KICH-IT-A-CHI-KI-LA, his x mark.
 The Spread Horn,
 HA-KA-TI-NA, his x mark.
 Black Tiger,
 EGO-MO-SA-PA, his x mark.
 The Man Afraid of his War-club,
 CHAM-PI-CO-QUI-PA, his x mark.
 The Big Shaved Head,
 COSH-LA-TON-CA, his x mark.
 Lazy Bear,
 MA-TO-CHICK-PA-NE, his x mark.
 The Man.
 Roek Man,
 TON-KA-WI-CHA-SA, his x mark.
 Chief: Black Catfish,
 O-WA-SA-PA, his x mark.
 Chief: The Curley-headed Goose,
 MA-GA-BO-MA-DO, his x mark.

The above signatures in this handwriting (that of Genl. Curtis) were made in presence of the undersigned, on the 28th and 29th Oct., 1865, at Fort Sully.

MAJ. A. P. SHREVE,
 Paymaster U. S. A.
 JOHN PATTEE,
 Lt. Col. 7th Iowa Cavalry.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifth day of March, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 March 5th, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty made and concluded at Fort Sully,

in the Territory of Dakota, by and between the commissioners on the part of the United States and the chiefs and headmen of the Upper Yanktonais band of *Dacotah* [Dakota or Sioux] Indians, with the following

AMENDMENT:

Article 4, lines 5, 6, and 7, strike out the following words, viz: "and of their non-interference with the persons and property of citizens of the United States travelling thereon."

Attest:

J. W. FORNEY,
Secretary.

And whereas article sixth of said treaty provides that any amendment or modification of it by the Senate of the United States shall be considered final and binding upon the said band of Indians, represented in council, as a part of the treaty, in the same manner as if it had been subsequently presented and agreed to by the chiefs and headmen of said band:

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifth of March, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this seventeenth day of March, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

By the President:

ANDREW JOHNSON.

WILLIAM H. SEWARD,

Secretary of State.

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SUPPLEMENTAL TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CONFEDERATED TRIBES AND BANDS OF INDIANS OF MIDDLE OREGON.

CONCLUDED NOVEMBER 15, 1865.

RATIFICATION ADVISED MARCH 2, 1867.

PROCLAIMED MARCH 28, 1867.

(1)



ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a supplemental Treaty was made and concluded at the Warm Springs Indian Agency, in the State of Oregon, on the fifteenth day of November, in the year of our Lord one thousand eight hundred and sixty-five, by and between J. W. Perit Huntington, Commissioner, on the part of the United States, and Mark. William Chinook, Kuck-up, and other Chiefs and Headmen of the Confederated Tribes and Bands of Indians of Middle Oregon, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement and Convention entered into at the Warm Springs Indian Agency, Oregon, by J. W. Perit Huntington, Sup't Indian affairs for Oregon, on behalf of the United States, and the undersigned, Chiefs and Headmen of the Confederated Tribes and Bands of middle Oregon, the same being amendatory of and supplemental to the treaty negotiated with the aforesaid tribes on the twenty-fifth day of June, eighteen hundred and fifty-five, and ratified by the Senate of the United States on the eighteenth day of April, eighteen hundred and fifty-nine.

ARTICLE I.

It having become evident from experience that the provision of article I of the treaty of the twenty-fifth of June, A. D. eighteen hundred and fifty-five, which permits said confederated tribes to fish, hunt, gather berries and roots, pasture stock and erect houses on lands outside the reservation, and which have been ceded to the United States, is often abused by the Indians to the extent of continuously residing away from the reservation, and is detrimental to the interests of both Indians and whites; therefore it is hereby stipulated and agreed that all the rights enumerated in the third proviso of the first section of the before-mentioned treaty of the twenty-fifth of June, eighteen hundred and fifty-five—that is to say, the right to take fish, erect houses, hunt game, gather roots and berries, and pasture animals upon lands without the reservation set apart by the treaty aforesaid—are hereby relinquished by the confederated Indian tribes and bands of middle Oregon, parties to this treaty.

ARTICLE II.

The tribes aforesaid covenant and agree that they will hereafter remain upon said reservation, subject to the laws of the United States, the regulations of the Indian department, and the control of the officers thereof; and they further stipulate that if any of the members of said tribes do leave, or attempt to leave, said reservation in violation of this treaty, they will assist in pursuing and returning them, when called upon to do so by the superintendent or agent in charge.

ARTICLE III.

In cases which may arise which make it necessary for any Indian to go without the boundaries of said reservation, the superintendent or agent in charge may, in his discretion, give to such Indian a written permit or pass, which shall always be for a short period and the expiration definitely fixed in said paper. Any Indian who, having gone out with a written pass, shall remain beyond the boundaries for a longer period than the time named in said pass, [shall] be deemed to have violated this treaty to the same extent as if he or she had gone without a pass.

ARTICLE IV.

An infraction of this treaty shall subject the Indian guilty thereof to a deprivation of his or her share of the annuities, and to such other punishment as the President of the United States may direct.

ARTICLE V.

It is stipulated and agreed on the part of the United States, as a consideration for the relinquishment of the rights herein enumerated, that the sum of three thousand five hundred dollars shall be expended in the purchase of teams, agricultural implements, seeds, and other articles calculated to advance said confederated tribes in agriculture and civilization.

ARTICLE VI.

It is further agreed that the United States shall cause to be allotted to each head of a family in said confederated tribes and bands a tract of land sufficient for his or her use, the possession of which shall be guaranteed and secured to said family and the heirs thereof forever.

ARTICLE VII.

To the end that the vice of intemperance among said tribes may be checked, it is hereby stipulated that when any members thereof shall be known to drink ardent spirits, or to have the same in possession, the facts shall be immediately reported to the agent or superintendent, with the name of the person or persons from whom the liquor was obtained; and the Indians agree to diligently use, under the direction of the superintendent or agent, all proper means to secure the identification and punishment of the persons unlawfully furnishing liquor as aforesaid.

In testimony whereof, the said J. W. Perit Huntington, superintendent of Indian affairs, on the part of the United States, and the undersigned chiefs and head confederated tribes and bands aforesaid, have hereunto, in the presence of the subscribing witnesses and of each other, affixed our signatures and seals on

this fifteenth day of November, in the year one thousand eight hundred and sixty-five.

J. W. PERIT HUNTINGTON, [SEAL.]
Sup't Indian Affairs in Oregon, and Acting Commissioner
on behalf of the United States.

MARK, his x mark. [SEAL.]
Head Chief.

WM. CHINOOK, his x mark. [SEAL.]

KUCK-UP, his x mark. [SEAL.]

PONST-AM-I-NE, his x mark. [SEAL.]

ALEX-ZAN, his x mark. [SEAL.]

TAS-SIMK, his x mark. [SEAL.]

JOHN MISSION, his x mark. [SEAL.]

LOCK-SQUIS-SQUIS-SA, his x mark. [SEAL.]

KUCK-UPS, his x mark. [SEAL.]

HOTE, his x mark. [SEAL.]

I-PALT-PEL, his x mark. [SEAL.]

SIN-NE-WAH, his x mark. [SEAL.]

UMP-CHIL-LE-POO, his x mark. [SEAL.]

SHOOLEY, his x mark. [SEAL.]

TAH-KOO, his x mark. [SEAL.]

TUM-TSCHE-CUS, his x mark. [SEAL.]

TOU-WACKS, his x mark. [SEAL.]

HUL-LE-QUIL-LA, his x mark. [SEAL.]

TE-AH-KI-AK, his x mark. [SEAL.]

CHOK-TE, his x mark. [SEAL.]

KOOTSH-TA, his x mark. [SEAL.]

Done in presence of—

TALLAX, his x mark,

Interpreter.

DONALD MCKAY, his x mark,

Interpreter.

CHARLES LAFOLLETT,

Capt. 1st Ogn. Inf.

J. W. D. GILLET,

School Teacher.

MYRON REAVES,

Sup't Farming Operations.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the second day of March, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

March 2d, 1867.

Resolved, That the Senate advise and consent to the ratification of the treaty between the United States and the confederate tribes and bands of Indians of middle Oregon, concluded the 15th of November, 1865, the same being amendatory and supplemental to the treaty with said Indians of the 25th of June, 1855.

Attest:

J. W. FORNEY,

Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the second of March, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-eighth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, and
 [SEAL.] of the Independence of the United States of America the
 ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

7. 1866

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SEMINOLE NATION OF INDIANS.

CONCLUDED MARCH 21, 1866.

RATIFICATION ADVISED JULY 19, 1866.

PROCLAIMED AUGUST 16, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Elijah Sells, and Col. Ely S. Parker, Commissioners, on the part of the United States, and John Chup-co, Cho-cote-harjo, Fos-harjo, and John F. Brown, Chiefs and Delegates of the Seminole Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Washington, D. C., March 21st, A. D. 1866, between the United States Government, by its Commissioners, D. N. Cooley, Commissioner of Indian Affairs, Elijah Sells, Superintendent of Indian Affairs, and Ely S. Parker, and the Seminole Indians, by their Chiefs, John Chup-co, or Long John, Cho-cote-harjo, Fos-harjo, John F. Brown.

PREAMBLE.

Whereas existing treaties between the United States and the Seminole nation are insufficient to meet their mutual necessities; and whereas the Seminole nation made a treaty with the so-called Confederate States, August 1st, 1861, whereby they threw off their allegiance to the United States, and unsettled their treaty relations with the United States, and thereby incurred the liability of forfeiture of all lands and other property held by grant or gift of the United States; and whereas a treaty of peace and amity was entered into between the United States and the Seminole and other tribes at Fort Smith, September 10, 1865, whereby the Seminoles revoked, cancelled, and repudiated the said treaty with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace, promised to enter into treaty with the Seminole nation to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States; and whereas the United States, in view of said treaty of the Seminole nation with the enemies of the government of the United States, and the consequent liabilities of said Seminole nation, and in view of its urgent necessities for more lands in the Indian territory, requires a cession by said Seminole nation of a part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate lands for them.

Now, therefore, the United States, by its commissioners aforesaid, and the above-named delegates of the Seminole nation, the day and year above written, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit:

ARTICLE I.

There shall be perpetual peace between the United States and the Seminole nation, and the Seminoles agree to be and remain firm allies of the United States, and always faithfully aid the government thereof to suppress insurrection and put down its enemies.

The Seminoles also agree to remain at peace with all other Indian tribes, and with themselves. In return for these pledges of peace and friendship, the United States guarantee them quiet possession of their country, and protection against hostilities on the part of other tribes; and in the event of such hostilities, that the tribe commencing and prosecuting the same shall make just reparation therefor. Therefore the Seminoles agree to a military occupation of their country at the option and expense of the United States.

A general amnesty of all past offences against the laws of the United States, committed by any member of the Seminole nation, is hereby declared; and the Seminoles, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to or taken up arms against the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE 2.

The Seminole nation covenant that henceforth in said nation slavery shall not exist, nor involuntary servitude, except for and in punishment of crime, whereof the offending party shall first have been duly convicted in accordance with law, applicable to all the members of said nation. And inasmuch as there are among the Seminoles many persons of African descent and blood, who have no interest or property in the soil, and no recognized civil rights, it is stipulated that hereafter these persons and their descendants, and such other of the same race as shall be permitted by said nation to settle there, shall have and enjoy all the rights of native citizens, and the laws of said nation shall be equally binding upon all persons of whatever race or color who may be adopted as citizens or members of said tribe.

ARTICLE 3.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek nation under the provisions of article first, (1st,) treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., August 7, 1856. In consideration of said grant and cession of their lands, estimated at two million one hundred and sixty-nine thousand and eighty (2,169,080) acres, the United States agree to pay said Seminole nation the sum of three hundred and twenty-five thousand three hundred and sixty-two (\$325,362) dollars, said purchase being at the rate of fifteen cents per acre. The United States having obtained by grant of the Creek nation the westerly half of their lands, hereby grant to the Seminole nation the portion thereof hereafter described, which shall constitute the national domain of the Seminole Indians. Said lands so granted by the United States to the Seminole nation are bounded and described as follows, to wit: Beginning on the Canadian river where the line dividing the Creek lands according to the

terms of their sale to the United States by their treaty of February 6, 1866, following said line due north to where said line crosses the north fork of the Canadian river; thence up said north fork of the Canadian river a distance sufficient to make two hundred thousand acres by running due south to the Canadian river; thence down said Canadian river to the place of beginning. In consideration of said cession of two hundred thousand acres of land described above, the Seminole nation agrees to pay therefor the price of fifty cents per acre, amounting to the sum of one hundred thousand dollars, which amount shall be deducted from the sum paid by the United States for Seminole lands under the stipulations above written. The balance due the Seminole nation after making said deduction, amounting to one hundred thousand dollars, the United States agree to pay in the following manner, to wit: Thirty thousand dollars shall be paid to enable the Seminoles to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and shall be distributed for that purpose under the direction of the Secretary of the Interior; twenty thousand dollars shall be paid in like manner for the purpose of purchasing agricultural implements, seeds, cows, and other stock; fifteen thousand dollars shall be paid for the erection of a mill suitable to accommodate said nation of Indians; seventy thousand dollars to remain in the United States treasury, upon which the United States shall pay an annual interest of five per cent.; fifty thousand of said sum of seventy thousand dollars shall be a permanent school fund, the interest of which shall be paid annually and appropriated to the support of schools; the remainder of the seventy thousand dollars, being twenty thousand dollars, shall remain a permanent fund, the interest of which shall be paid annually for the support of the Seminole government; forty thousand three hundred and sixty-two dollars shall be appropriated and expended for subsisting said Indians, discriminating in favor of the destitute; all of which amounts, excepting the \$50,000, to remain in the treasury as a permanent fund, shall be paid upon the ratification of said treaty, and disbursed in such manner as the Secretary of the Interior may direct. The balance, fifty thousand dollars, or so much thereof as may be necessary to pay the losses ascertained and awarded as hereinafter provided, shall be paid when said awards shall have been duly made and approved by the Secretary of the Interior. And in case said fifty thousand dollars shall be insufficient to pay all said awards, it shall be distributed pro rata to those whose claims are so allowed; and until said awards shall be thus paid, the United States agree to pay to said Indians, in such manner and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent, per annum from the date of the ratification of this treaty.

ARTICLE 4.

To reimburse such members of the Seminole nation as shall be duly adjudged to have remained loyal and faithful to their treaty relations to the United States, during the recent rebellion of the so-called Confederate States, for the losses actually sustained by them thereby, after the ratification of this treaty, or so soon thereafter as the Secretary of the Interior shall direct, he shall appoint a board of commissioners, not to exceed three in number, who shall proceed to the Seminole country and investigate and determine said losses. Previous to said investigation the agent of the Seminole nation shall prepare a census or enumeration of said tribe, and make a roll of all Seminoles who did in no manner aid or abet the enemies of the government, but remained loyal during said rebellion; and no award shall be made by said commissioners for such losses unless the name of the claimant appear on said roll, and no compensation shall be allowed any person for

such losses whose name does not appear on said roll, unless said claimant, within six months from the date of the completion of said roll, furnishes proof satisfactory to said board, or to the Commissioner of Indian Affairs, that he has at all times remained loyal to the United States, according to his treaty obligations. All evidence touching said claims shall be taken by said commissioners, or any of them, under oath, and their awards made, together with the evidence, shall be transmitted to the Commissioner of Indian Affairs, for his approval, and that of the Secretary of the Interior. Said commissioners shall be paid by the United States such compensation as the Secretary of the Interior may direct. The provisions of this article shall extend to and embrace the claims for losses sustained by loyal members of said tribe, irrespective of race or color, whether at the time of said losses the claimants shall have been in servitude or not; provided said claimants are made members of said tribe by the stipulations of this treaty.

ARTICLE 5.

The Seminole nation hereby grant a right of way through their lands to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point on their eastern to their western or southern boundary; but said railroad company, together with all its agents and employees, shall be subject to the laws of the United States relating to the intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior, for that purpose. And the Seminoles agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Seminole nation lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Seminole nation and the party or parties building said road—subject to the approval of the President of the United States: *Provided, however,* That said land thus sold shall not be reconveyed, leased, or rented to, or be occupied by, any one not a citizen of the Seminole nation, according to its laws and recognized usages: *Provided, also,* That officers, servants, and employees of said railroad necessary to its construction and management shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law, and such rules and regulations as may be established by the Secretary of the Interior; nor shall any conveyance of said lands be made to the party building and managing said road, until its completion as a first-class railroad and its acceptance as such by the Secretary of the Interior.

ARTICLE 6.

Inasmuch as there are no agency buildings upon the new Seminole reservation, it is therefore further agreed that the United States shall cause to be constructed, at an expense not exceeding ten thousand (\$10,000) dollars, suitable agency buildings, the site whereof shall be selected by the agent of said tribe, under the direction of the superintendent of Indian affairs; in consideration whereof, the Seminole nation hereby relinquish and cede forever to the United States one section of their lands, upon which said agency buildings shall be *directed*, [erected,] which land shall revert to said nation when no longer used by the United States, upon said nation paying a fair value for said buildings at the time vacated.

ARTICLE 7.

The Seminole nation agrees to such legislation as Congress and the President may deem necessary for the better administration of the rights of person and property within the Indian territory: *Provided, however,* [That] said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs.

The Seminole nation also agree that a general council, consisting of delegates elected by each nation, a tribe lawfully resident within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as are hereinafter described:

1st. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census or enumeration of each tribe lawfully resident in said territory shall be taken, under the direction of the superintendent of Indian affairs, who, for that purpose, is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

2nd. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be elected by said tribes respectively who may assent to the establishment of said general council; and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general council by the chiefs and headmen of said tribes, to be taken in the order of their rank, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under the provisions of this article; and the persons so entitled to represent said tribe shall meet at such time and place as he shall appoint; but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided,* That no session in any one year shall exceed the term of 30, and provided that special sessions of said council may be called by said superintendent whenever, in his judgment, or that of the Secretary of the Interior, the interest of said tribes shall require.

3d. Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory; the arrest and extradition of criminals and offenders escaping from one tribe to another; the administration of justice between members of the several tribes of said territory, and persons other than Indians and members of said tribes or nations; the construction of works of internal improvement and the common defence and safety of the nation of said territory. All laws enacted by said council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States; nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

4th. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence for any cause, the duties of said superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

5th. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the session of said council. He shall be paid out of the treasury of the United States an annual salary of five hundred dollars.

6th. The members of said council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance upon the sessions of said council, and at the rate of four dollars for every twenty miles necessarily travelled by them in going to said council and returning to their homes, respectively, to be certified by the secretary of the said council and the superintendent of Indian affairs.

7th. The Seminoles also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ARTICLE 8.

The stipulations of this treaty are to be a full settlement of all claims of said Seminole nation for damages and losses of every kind growing out of the late rebellion, and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose, consequent upon the late war with the so-called Confederate States. And the Seminoles hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Seminole nation by the United States. And the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Seminoles, to the use of refugee and destitute Indians, other than the Seminoles or members of the Seminole nation, after the close of the present fiscal year, June 30th, 1866.

ARTICLE 9.

The United States reaffirms and reassumes all obligations of treaty stipulations entered into before the treaty of said Seminole nation with the so-called Confederate States, August 1st, 1861, not inconsistent herewith; and further agree to renew all payments of annuities accruing by force of said treaty stipulations, from and after the close of the present fiscal year, June 30th, A. D. 1866, except as is provided in article eight (8.)

ARTICLE 10.

A quantity of land not exceeding 640 acres, to be selected according to legal subdivisions, in one body, and which shall include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect, buildings within the Seminole country for missionary or educational purposes; but no land thus granted, nor the buildings which have been or may be erected thereon, shall ever be sold or otherwise disposed of except with the consent and approval of the Secretary of the Interior. And whenever any such land or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Seminoles and such other persons as may be, or may hereafter become, members of the tribe according to its laws, customs, and usages.

ARTICLE 11.

It is further agreed that all treaties heretofore entered into between the United States and the Seminole nation which are inconsistent with any of the articles or provisions of this treaty shall be, and are hereby, rescinded and annulled.

In testimony whereof, the said Dennis N. Cooley, Commissioner of Indian Affairs, Elijah Sells, superintendent of Indian affairs, and Col. Ely S. Parker, as aforesaid, and the undersigned, persons representing the Seminole nation, have hereunto set their hands and seals the day and year first above written.

DENNIS N. COOLEY, [SEAL]
Commissioner of Indian Affairs.
 ELIJAH SELLS, [SEAL]
Superintendent Indian Affairs.
 Col. ELY S. PARKER, [SEAL]
Special Commissioner.

JOHN CHUP-CO, his x mark, [SEAL]
King or Head Chief.
 CHO-COTE-HARJO, his x mark, [SEAL]
Counsellor.
 FOS-HARJO, his x mark, [SEAL]
Chief.
 JOHN F. BROWN, [SEAL]
Special Delegate for Southern Seminoles.

In presence of—

ROBERT JOHNSON, his x mark,
U. S. Interpreter for Seminole Indians.
 GEO. A. REYNOLDS,
U. S. Indian Agent for Seminoles.
 OK-TUS-SUS-HAR-JO, his x mark, or SANDS.
 COW-E-TO-ME-KO, his x mark.
 CHE-CHU-CHEE, his x mark.
 HARRY ISLAND, his x mark,
U. S. Interpreter for Creek Indians.
 J. W. DUNN,
U. S. Indian Agent for the Creek Nation.
 PERRY FULLER.

Signed by John F. Brown, special delegate for Southern Seminoles, in presence of, this June 30th, 1866—

W. R. IRWIN.
 J. M. TEBBETTS.
 GEO. A. REYNOLDS, *U. S. Indian Agent.*
 ROBERT JOHNSON, his x mark *U. S. Interpreter.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the nineteenth

day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 19. 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Washington, D. C., March 21st, A. D. 1866, between the Commissioners on the part of the United States and the Seminole Indians.

Attest:

J. W. FORNEY

Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the nineteenth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said Treaty.

Done at the city of Washington this sixteenth day of August, in the year of our Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

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SUPPLEMENTAL ARTICLE

TO THE

TREATY OF NOVEMBER 15, 1861,

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

POTTAWATOMIE TRIBE OF INDIANS.

CONCLUDED MARCH 25, 1866.

RATIFICATION ADVISED, APRIL 26, 1866.

PROCLAIMED MAY 5, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a supplemental article to the treaty between the United States of America and the Pottawatomie Nation of Indians, of the fifteenth of November, one thousand eight hundred and sixty-one, was made and concluded at the city of Washington, in the District of Columbia, on the twenty-ninth day of March, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley, Commissioner, on the part of the United States, and J. N. Bourassa, U. F. Navane, and B. N. Bertrand, Business Committee, on the part of said nation of Indians, and duly authorized thereto by them, which supplemental article is in the words and figures following, to wit:

Whereas certain amendments are desired by the Pottawatomie Indians to their treaty concluded at the Pottawatomie Agency on the fifteenth day of November, A. D. 1861, and amended by resolution of the Senate of the United States dated April the fifteenth, A. D. 1862; and whereas the United States are willing to assent to such amendments, it is therefore agreed by and between Dennis N. Cooley, Commissioner, on the part of the United States, thereunto duly authorized, and the undersigned Business Committee, acting on behalf of said tribe, and being thereunto duly authorized, in manner and form following, that is to say:

ARTICLE I.

The beneficial provisions in behalf of the more prudent and intelligent members of said tribe, contained in the third article of the amended treaty above recited, shall not hereafter be confined to males and heads of families, but the same shall be and are hereby extended to all adult persons of said tribe without distinction of sex, whether such persons are or shall be heads of families or otherwise, in the same manner, to the same extent, and upon the same terms, conditions and stipulations as are contained in said third article of said treaty with reference to "males and heads of families."

In testimony whereof the said parties by their Commissioner and Business Committee aforesaid have hereunto set their hands and seals at Washington city, District of Columbia this 29th day of March, in the year of our Lord one thousand eight hundred and sixty-six.

DENNIS N. COOLEY, [SEAL.]
Commissioner.

J. N. BOURASSA, [SEAL.]

U. F. NAVANE, [SEAL.]

B. N. BERTRAND, [SEAL.]

Business Committee.

Signed in presence of—

L. R. PALMER,

JAMES STEELE.

And whereas the said supplemental article having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of April, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
April 26, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the supplemental article to the Pottawatomie treaty of November 15, 1861, concluded on the 29th of March, 1866.

Attest:

J. W. FORNEY,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the 26th of April, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said supplemental article of treaty as aforesaid.

In testimony whereof I have signed the same with my hand, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington, this fifth day of May, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

1909

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

BOIS FORTE BAND OF CHIPPEWA INDIANS.

CONCLUDED APRIL 7, 1866.

RATIFICATION ADVISED, WITH AMENDMENT, APRIL 26, 1866.

AMENDMENT ACCEPTED APRIL 29, 1866.

PROCLAIMED MAY 5, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Washington, in the District of Columbia, on the seventh day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and E. E. L. Taylor, Commissioners, on the part of the United States, and Gabeshcodaway or Going through the Prairie, Babawmadjewesheang or Mountain Traveller, and others, Chiefs, Headmen, and Warriors of the Bois Forte Band of Chippewa Indians, on the part of said band of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of a treaty made and concluded at Washington, District of Columbia, this seventh day of April, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, party of the first part, by their commissioners, D. N. Cooley, Commissioner of Indian Affairs, and E. E. L. Taylor, thereunto duly authorized, and the Bois Forte band of Chippewa Indians, parties of the second part, by the undersigned Chiefs, Headmen, and Warriors of said bands, thereunto duly authorized.

ARTICLE I.

The peace and friendship now existing between the United States and said Bois Forte bands of Indians shall be perpetual.

ARTICLE II.

In consideration of the agreements, stipulations, and undertakings to be performed by the United States, and hereinafter expressed, the Bois Forte bands of Chippewas have agreed to, and do hereby, cede and forever relinquish and surrender to the United States all their right, title, claim, and interest in and to all lands and territory heretofore claimed, held, or possessed by them, and lying east of the boundary line mentioned and established in and by the first article of the treaty made and concluded by and between the United States of the one part, and the Chippewas of Lake Superior and the Mississippi of the other part, on the 30th day of September, A. D. 1854, and more especially in and to all that portion of said territory heretofore claimed and occupied by them at and near Lake Vermillion as a reservation. The Bois Forte band of Chippewas in like manner cede and relinquish forever to the United States all their claim, right, title, and interest in and to all lands and territory lying westwardly of said boundary line, or elsewhere within the limits of the United States.

ARTICLE III.

In consideration of the foregoing cession and relinquishment, the United States agree to and will perform the stipulations, undertakings, and agreements following, that is to say:

1st. There shall be set apart within one year after the date of the ratification of this treaty, under the direction of the President of the United States, within the Chippewa country, for the perpetual use and occupancy of said Bois Forte band of Chippewas, a tract of land of not less than one hundred thousand acres, the said location to include a lake known by the name of Netor As-sib-a-gama, if, upon examination of the country by the agent sent by the President of the United States to select the said reservation, it is found practicable to include the said lake therein, and also one township of land on the Grand Fork river, at the mouth of Deer creek, if such location shall be found practicable.

2d. The United States will, as soon as practicable after the setting apart of the tract of country first above mentioned, erect thereon without expense to said Indians, one blacksmith's shop, to cost not exceeding five hundred dollars; one school-house, to cost not exceeding five hundred dollars; and eight houses for their chiefs, to cost not exceeding four hundred dollars each; and a building for an agency house and storehouse for the storage of goods and provisions, to cost not exceeding two thousand dollars.

3d. The United States will expend annually for and in behalf of said Bois Forte band of Chippewas, for and during the term of twenty years from and after the ratification of this treaty, the several sums and for the purposes following, to wit: For the support of one blacksmith and assistant, and for tools, iron, and steel, and other articles necessary for the blacksmith's shop, fifteen hundred dollars; for one school-teacher, and the necessary books and stationery for the school, eight hundred dollars, the chiefs in council to have the privilege of selecting, with the approval of the Secretary of the Interior, the religious denomination to which the said teacher shall belong; for instructions of the said Indians in farming, and the purchase of seeds, tools, &c., for that purpose, eight hundred dollars; and for annuity payments, the sum of eleven thousand dollars, three thousand five hundred dollars of which shall be paid to them in money per capita, one thousand dollars in provisions, ammunition, and tobacco, and six thousand five hundred dollars to be distributed to them in goods and other articles suited to their wants and conditions.

ARTICLE IV.

To enable the chiefs, headmen, and warriors now present to establish their people upon the new reservation, and to purchase useful articles and presents for their people, the United States agree to pay to them, upon the ratification of this treaty, the sum of fifty thousand dollars, to be expended under the direction of the Secretary of the Interior.

ARTICLE V.

In consideration of the services heretofore rendered to the said Indians by Francis Roussaire, senior, Francis Roussaire, jr., and Peter E. Bradshaw, it is hereby agreed that the said persons shall each have the right to select one hundred and sixty acres of land, not mineral lands, and to receive patents therefor from the United States; and for the like services to the Indians, the following-named persons, to wit: Peter Roy, Joseph Gurnoe, Francis Roy, Vincent Roy,

Eustace Roussaire, and D. George Morrison shall each have the right to select eighty acres of land, not mineral lands, and to receive from the United States patents therefor.

ARTICLE VI.

It is further agreed that all payments of annuities to the Bois Forte band of Chippewas shall be made upon their reservation if, upon examination, it shall be found practicable to do so.

ARTICLE VII.

It is agreed by and between the parties hereto that upon the ratification of this treaty all former treaties existing between them inconsistent herewith shall be, and the same are hereby, abrogated and made void to all intents and purposes; and the said Indians hereby relinquish any and all claims for arrears of payments claimed to be due under such treaties, or that are hereafter to fall due under the provisions of the same; except that as to the third clause of the 12th article of the treaty of Sept. 30th, 1854, providing for a blacksmith, smithshop, supplies, and instructions in farming, the same shall continue in full force and effect, but the benefits thereof shall be transferred to the Chippewas of Lake Superior.

ARTICLE VIII.

The United States also agree to pay the necessary expenses of transportation and subsistence of the delegates who have visited Washington for the purpose of negotiating this treaty, not exceeding the sum of ten thousand dollars.

In testimony whereof, the undersigned, commissioners on behalf of the United States, and the delegates on behalf of the Bois Forte band of Chippewas, have hereunto set their hands and seals the day and year first above written.

D. N. COOLEY, [L. s.]

Com'r of Ind. Affairs.

E. E. L. TAYLOR, [L. s.]

Special Commissioner.

GABESH CODAWAY,

or Going through the Prairie, his x mark. [L. s.]

BABAWMADJEWESH CANG,

or Mountain Traveller, his x mark. [L. s.]

ADAWAWNEQUABENACE,

or Twin-haired Bird, his x mark. [L. s.]

SAGWADACAMEGISH CANG,

or He who Tries the Earth, his x mark. [L. s.]

NEONING,

or The Four Fingers, his x mark. [L. s.]

WABAWGAMAWGAU,

or The Tomahawk, his x mark. [L. s.]

GAWAWWBAMINA,

or He who is Looked at, his x mark. [L. s.]

GAWNANDAWAWINZO,

or Berry Hunter, his x mark. [L. s.]

ABETANG,

or He who Inhabits, his x mark. [L. s.]

In presence of—

LUTHER E. WEBB, [L. S.]

U. S. Indian Agent for Chippewas, Lake Superior.

JOSEPH D. GURNOE, [L. S.]

U. S. Interpreter, Lake Superior.

J. C. RAMSEY,

BENJ'N THOMPSON,

PETER ROY,

D. GEO. MORRISON,

VINCENT ROY, JR.

W. H. WATSON.

[L. S.]

And whereas the said treaty, having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of April, one thousand eight hundred and sixty six, advise and consent to the ratification of the same, with an amendment, in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

April 26, 1866.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the articles of a treaty made and concluded at Washington, District of Columbia, the seventh day of April, 1866, between the United States and the Bois Forte band of Chippewa Indians, with the following

AMENDMENT:

Article 4, line 7, strike out the word "fifty," and insert in lieu thereof the word *thirty*.

Attest:

J. W. FORNEY,
Secretary.

And whereas the foregoing amendment having been fully explained and interpreted to the Chiefs, Headmen, and Warriors of the Bois Forte Band of Chippewa Indians whose names are subscribed to the writing hereto following, they did, on the twenty-eighth day of April, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendment in the words and figures following, to wit:

Whereas the Senate of the United States has advised and consented to the ratification of the Treaty made on the seventh day of April, 1866, with the Bois Forte band of Chippewa Indians, with the following amendment, to wit:

"In article 4 of said Treaty, line 7, strike out the word 'fifty,' and insert in lieu thereof the word *thirty*."

Now, therefore, we, the Chiefs, Headmen, and Warriors of the said Bois Forte band, duly authorized by our people, do hereby assent and agree to the

said amendment above written, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals this 28th day of April, A. D. 1866, at Washington, D. C.

GABESHCODAWAY, his x mark.	[L. S.]
BABAWMADJEWESHICANG, his x mark.	[L. S.]
ADAWAWNEQUABENACE, his x mark.	[L. S.]
GAGWADACAMEGISHICANG, his x mark.	[L. S.]
WABAWGAMAWGAU, his x mark.	[L. S.]
GANAWAWBAMINA, his x mark.	[L. S.]
GAWNANDAWAWINZO, his x mark.	[L. S.]
ABETANG, his x mark.	[L. S.]

Witness:

JOSEPH D. GURNOE, [L. S.]
U. S. Interpreter.
D. N. COOLEY, [L. S.]
Com'r Ind. Affairs.
L. E. WEBB,
U. S. Indian Agent.
J. C. RAMSEY.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-sixth of April, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendment as aforesaid.

In testimony whereof I have signed my name, and have caused the seal of the United States to be hereto affixed.

Done at the city of Washington this fifth day of May, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninetieth.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CREEK NATION OF INDIANS.

CONCLUDED JUNE 14, 1866.

RATIFICATION ADVISED, WITH AMENDMENTS, JULY 19, 1866.

AMENDMENTS ACCEPTED JULY 23, 1866.

PROCLAIMED AUGUST 11, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the fourteenth day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between Dennis N. Cooley and Elijah Sells, Commissioners, on the part of the United States, and Ok-ta-has Harjo, Cow-nikko, and Cotch-cho-choe, delegates at large of the Creek Nation of Indians, and D. N. McIntosh and James M. C. Smith, special delegates of the Southern Creeks, on the part of said Creek Nation of Indians and Southern Creeks, all of which delegates at large and special delegates were duly authorized thereto by said Creek Nation and Southern Creeks, which Treaty is in the words and figures following, to wit:

Treaty of cession and indemnity concluded at the city of Washington on the 14th day of June, in the year of our Lord one thousand eight hundred and sixty-six, by and between the United States, represented by Dennis N. Cooley, Commissioner of Indian Affairs, Elijah Sells, superintendent of Indian affairs for the southern superintendency, and Col. Ely S. Parker, special commissioner, and the Creek Nation of Indians, represented by Ok-ta-has-harjo, or Sants; Caw-e-to-we-co and Che-cho-choe, delegates at large, and D. N. McIntosh and James Smith, special delegates of the Southern Creeks.

PREAMBLE.

Whereas existing treaties between the United States and the Creek Nation have become insufficient to meet their mutual necessities; and whereas the Creeks made a treaty with the so-called Confederate States, on the tenth of July, one thousand eight hundred and sixty-one, whereby they ignored their allegiance to the United States and unsettled the treaty relations existing between the Creeks and the United States, and did so render themselves liable to forfeit to the United States all benefits and advantages enjoyed by them in lands, annuities, protection, and immunities, including their lands and other property held by grant or gift from the United States; and whereas in view of said

hostilities the United States require of the Creeks a portion of their land whereon to settle other Indians; and whereas a treaty of peace and amity was entered into between the United States and the Creeks and other tribes at Fort Smith, September tenth, eighteen hundred and sixty-five, whereby the same was revoked, cancelled, and repudiated the aforesaid treaty made with the so-called Confederate States; and whereas the United States, through its commissioners, in said treaty of peace and amity, promised to enter into treaty with the Creeks to arrange and settle all questions relating to and growing out of said treaty with the so-called Confederate States: Now, therefore, the United States, by its commissioners, and the above-named delegates of the Creek Nation, the day and year above mentioned, mutually stipulate and agree, on behalf of the respective parties, as follows, to wit:

ARTICLE I.

There shall be perpetual peace and friendship between the parties to this treaty, and the Creeks bind themselves to remain firm allies and friends of the United States, and never to take up arms against the United States, but always faithfully and well in putting down its enemies. They also agree to remain at peace with all other Indian tribes; and, in return, the United States guarantees them quiet possession of their country, and protection against hostilities on the part of other tribes. In the event of hostilities, the United States agree that the tribe commencing and prosecuting the same, shall, as far as may be practicable, make past reparation therefor. To insure this protection, the Creeks agree to a military occupation of their country, at any time, by the United States, and the United States agree to station and continue in said country from time to time, at its own expense, such force as may be necessary for that purpose. A general amnesty of all past offences against the laws of the United States, committed by any member of the Creek Nation, is hereby declared. And the Creeks, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offences against their government, and no Indian or Indians shall be proscribed, or any act of forfeiture or confiscation passed against those who have remained friendly to, or taken up arms against, the United States, but they shall enjoy equal privileges with other members of said tribe, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE II.

The Creeks hereby covenant and agree that henceforth neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted in accordance with laws applicable to all members of said tribe, shall ever exist in said nation; and inasmuch as there are among the Creeks many persons of African descent, who have no interest in the soil, it is stipulated that hereafter these persons lawfully residing in said Creek country under their laws and usages, or who have been thus residing in said country, and may return within one year from the ratification of this treaty, and their descendants and such others of the same race as may be permitted by the laws of the said nation to settle within the limits of the jurisdiction of the Creek Nation as citizens, [thereof,] shall have and enjoy all the rights and privileges of free citizens, including an equal interest in the soil and national funds, and the laws of the said nation shall be equally binding upon and give equal protection to all such persons, and all others, of whatsoever race or color, who may be adopted as citizens or members of said tribe.

ARTICLE III.

In compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain to be divided by a line running north and south; the eastern half of said Creek lands, being retained by them shall, except as herein otherwise stipulated, be forever set apart as a home for said Creek Nation; and in consideration of about one million of the west half of their lands, estimated to contain three millions two hundred and fifty thousand five hundred and sixty acres, the United States agree to pay the sum of thirty (30) cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided, to wit: two hundred thousand dollars shall be paid per capita in money, unless otherwise directed by the President of the United States, upon the ratification of this treaty, to enable the Creeks to occupy, restore, and improve their farms, and to make their nation independent and self-sustaining, and to pay the damages sustained by the mission schools on the North Fork and the Delaware rivers, not to exceed two thousand dollars, and to pay the delegates such per diem as the agent and Creek council may agree upon, as a just and fair compensation, all of which shall be distributed for that purpose by the agent, with the advice of the Creek council, under the direction of the Secretary of the Interior. One hundred thousand dollars shall be paid to soldiers that enlisted in the federal army and the loyal refugee Indians and freedmen who were driven from their homes by the rebel forces, to reimburse them in proportion to their respective losses. Four hundred thousand dollars shall be paid per capita in money to said Creek nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sales of land to other Indians. The United States agree to pay to said Indians, in such amounts and for such purposes as the Secretary of the Interior may direct, interest at the rate of five per cent. per annum from the date of the ratification of this treaty, on the amount hereinbefore agreed upon for said ceded lands, after deducting the said two hundred thousand dollars; the residue, two hundred and seventy-five thousand one hundred and sixty-eight dollars, shall remain in the treasury of the United States, and the interest thereon, at the rate of five per centum per annum, be annually paid to said Creeks as above stipulated.

ARTICLE IV.

Immediately after the ratification of this treaty the United States agree to ascertain the amount due the respective soldiers who enlisted in the federal army, loyal refugee Indians and freedmen, in proportion to their several losses, and to pay the amount awarded each, in the following manner, to wit: A census of the Creeks shall be taken by the agent of the United States for said nation, under the direction of the Secretary of the Interior, and a roll of the names of all soldiers that enlisted in the federal army, loyal refugee Indians, and freedmen, be made by him. The superintendent of Indian affairs for the southern department and the agent of the United States for the Creek nation shall proceed to investigate and determine from said roll the amounts due the respective soldiers, Indians, and freedmen, and shall transmit to the Commissioner of Indian Affairs for his approval, and that of the Secretary of the Interior, their awards, together with the vouchers therefor. In case the awards so made shall be duly approved, said awards shall

to be paid from the proceeds of the sale of said lands within one year from the ratification of this treaty, or so soon as said amount of one hundred thousand (\$100,000) dollars can be raised from the sale of said land to other Indians.

ARTICLE V.

The Creek nation hereby grant a right of way through their lands, to the Choctaw and Chickasaw country, to any company which shall be duly authorized by Congress, and shall, with the express consent and approbation of the Secretary of the Interior, undertake to construct a railroad from any point north of to any point in or south of the Creek country, and likewise from any point on their eastern to their western or southern boundary, but said railroad company, together with all its agents and employees, shall be subject to the laws of the United States relating to intercourse with Indian tribes, and also to such rules and regulations as may be prescribed by the Secretary of the Interior for that purpose, and the Creeks agree to sell to the United States, or any company duly authorized as aforesaid, such lands not legally owned or occupied by a member or members of the Creek nation, lying along the line of said contemplated railroad, not exceeding on each side thereof a belt or strip of land three miles in width, at such price per acre as may be eventually agreed upon between said Creek nation and the party or parties building said road, subject to the approval of the President of the United States: *Provided, however,* That said land thus sold shall not be reconveyed, leased, or rented to, or be occupied by any one not a citizen of the Creek nation, according to its laws and recognized usages: *Provided, also,* That officers, servants, and employees of said railroad necessary to its construction and management, shall not be excluded from such necessary occupancy, they being subject to the provisions of the Indian intercourse law and such rules and regulations as may be established by the Secretary of the Interior, nor shall any conveyance of any of said lands be made to the party building and managing said road until its completion as a first-class railroad, and its acceptance as such by the Secretary of the Interior.

ARTICLE VI.

Inasmuch as the bonds, or a portion thereof, in which the Creek orphan fund has been heretofore invested, from certain causes have largely depreciated in value, and are for the purposes for which said fund was set aside unproductive, it is hereby further stipulated that such of the bonds now held by the Secretary of the Interior, in trust for the orphans of the the Creek nation, as may be necessary to establish a manual labor school for the improvement and education of the orphan children of said nation shall be disposed of, and the avails thereof used for that purpose, under the direction of the Secretary of the Interior. The residue of said fund shall be retained in the treasury of the United States, upon which interest at the rate of five per cent. shall annually be paid for the maintenance and support of said school.

ARTICLE VII.

The Creeks hereby agree that the Seminole tribe of Indians may sell and convey to the United States all or any portion of the Seminole lands, upon such terms as may be mutually agreed upon by and between the Seminoles and the United States.

ARTICLE VIII.

It is agreed that the Secretary of the Interior forthwith cause the lines dividing the Creek country, as provided for by the terms of the sale of Creek lands to the United States in article 3d of this treaty, to be accurately surveyed under the direction of the Commissioner of Indian Affairs, the expenses of which survey shall be paid by the United States.

ARTICLE IX.

Inasmuch as the agency buildings of the Creek tribe have been destroyed during the late war, it is further agreed that the United States shall at their own expense, not exceeding ten thousand dollars, cause to be erected suitable agency buildings, the sites whereof shall be selected by the agent of said tribe, in the reduced Creek reservation, under the direction of the superintendent of Indian affairs.

In consideration whereof, the Creeks hereby cede and relinquish to the United States one section of their lands, to be designated and selected by their agent, under the direction of the superintendent of Indian affairs, upon which said agency buildings shall be erected, which section of land shall revert to the Creek nation when said agency buildings are no longer used by the United States, upon said nation paying a fair and reasonable value for said buildings at the time vacated.

ARTICLE X.

The Creeks agree to such legislation as Congress and the President of the United States may deem necessary for the better administration of justice and the protection of the rights of person and property within the Indian territory; *Provided, however*, [That] said legislation shall not in any manner interfere with or annul their present tribal organization, rights, laws, privileges, and customs. The Creeks also agree that a general council, consisting of delegates elected by each nation or tribe lawfully resident within the Indian territory, may be annually convened in said territory, which council shall be organized in such manner and possess such powers as are hereinafter described.

First. After the ratification of this treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said council, a census, or enumeration of each tribe lawfully resident in said territory, shall be taken under the direction of the superintendent of Indian affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior and paid by the United States.

Second. The first general council shall consist of one member from each tribe, and an additional member for each one thousand Indians, or each fraction of a thousand greater than five hundred, being members of any tribe lawfully resident in said territory, and shall be selected by said tribes respectively, who may assent to the establishment of said general council, and if none should be thus formally selected by any nation or tribe, the said nation or tribe shall be represented in said general council by the chief or chiefs and headmen of said tribe, to be taken in the order of their rank as recognized in tribal usage, in the same number and proportion as above indicated. After the said census shall have been taken and completed, the superintendent of Indian affairs shall publish and declare to each tribe the number of members of said council to which they shall be entitled under

the provisions of this article, and the persons entitled to so represent said tribes shall meet at such time and place as he shall appoint, but thereafter the time and place of the sessions of said council shall be determined by its action: *Provided*, That no session in any one year shall exceed the term of thirty days, and provided that special sessions of said council may be called whenever, in the judgment of the Secretary of the Interior, the interest of said tribe shall require.

Third. Said general council shall have power to legislate upon all rightful subjects and matters pertaining to the intercourse and relations of the Indian tribes and nations resident in said territory, the arrest and extradition of criminals and offenders escaping from one tribe to another, the administration of justice between members of the several tribes of said territory, and persons other than Indians and members of said tribes or nations, the construction of works of internal improvement, and the common defence and safety of the nations of said territory. All laws enacted by said general council shall take effect at such time as may therein be provided, unless suspended by direction of the Secretary of the Interior or the President of the United States. No law shall be enacted inconsistent with the Constitution of the United States, or the laws of Congress, or existing treaty stipulations with the United States, nor shall said council legislate upon matters pertaining to the organization, laws, or customs of the several tribes, except as herein provided for.

Fourth. Said council shall be presided over by the superintendent of Indian affairs, or, in case of his absence from any cause, the duties of said superintendent enumerated in this article shall be performed by such person as the Secretary of the Interior may direct.

Fifth. The Secretary of the Interior shall appoint a secretary of said council, whose duty it shall be to keep an accurate record of all the proceedings of said council, and who shall transmit a true copy of all such proceedings, duly certified by the superintendent of Indian affairs, to the Secretary of the Interior immediately after the sessions of said council shall terminate. He shall be paid out of the treasury of the United States an annually salary of five hundred dollars.

Sixth. The members of said council shall be paid by the United States the sum of four dollars per diem during the time actually in attendance on the sessions of said council, and at the rate of four dollars for every twenty miles necessarily travelled by them in going to and returning to their homes, respectively, from said council, to be certified by the secretary of said council and the superintendent of Indian affairs.

Seventh. The Creeks also agree that a court or courts may be established in said territory, with such jurisdiction and organized in such manner as Congress may by law provide.

ARTICLE XI.

The stipulations of this treaty are to be a full settlement of all claims of said Creek Nation for damages and losses of every kind growing out of the late rebellion and all expenditures by the United States of annuities in clothing and feeding refugee and destitute Indians since the diversion of annuities for that purpose consequent upon the late war with the so-called Confederate States; and the Creeks hereby ratify and confirm all such diversions of annuities heretofore made from the funds of the Creek Nation by the United States, and the United States agree that no annuities shall be diverted from the objects for which they were originally devoted by treaty stipulations with the Creeks, to the use of refugee and destitute Indians other than the Creeks or members of the Creek

Nation after the close of the present fiscal year, June thirtieth, eighteen hundred and sixty-six.

ARTICLE XII.

The United States reaffirms and reassumes all obligations of treaty stipulations with the Creek Nation entered into before the treaty of said Creek Nation with the so-called Confederate States, July 10th, 1861, not inconsistent herewith; and further agrees to renew all payments of annuities accruing by force of said treaty stipulations from and after the close of the present fiscal year, June 30th, 1866, except as is provided in article 11th.

ARTICLE XIII.

A quantity of land not exceeding one hundred and sixty acres, to be selected according to legal subdivisions, in one body, and to include their improvements, is hereby granted to every religious society or denomination which has erected, or which, with the consent of the Indians, may hereafter erect buildings within the Creek country for missionary or educational purposes; but no land thus granted nor the buildings which have been or may be erected thereon shall ever be sold or otherwise disposed of, except with the consent and approval of the Secretary of the Interior; and whenever any such lands or buildings shall be so sold or disposed of, the proceeds thereof shall be applied, under the direction of the Secretary of the Interior, to the support and maintenance of other similar establishments for the benefit of the Creeks and such other persons as may be or may hereafter become members of the tribe according to its laws, customs, and usages; and if at any time said improvements shall be abandoned for one year for missionary or educational purposes, all the rights herein granted for missionary and educational purposes shall revert to the said Creek Nation.

ARTICLE XIV.

It is further agreed that all treaties heretofore entered into between the United States and the Creek Nation which are inconsistent with any of the articles or provisions of this treaty shall be, and are hereby, rescinded and annulled; and it is further agreed that ten thousand dollars shall be paid by the United States, or so much thereof as may be necessary, to pay the expenses incurred in negotiating the foregoing treaty.

In testimony whereof, we, the commissioners representing the United States and the delegates representing the Creek Nation, have hereunto set our hands and seals at the place and on the day and year above written.

D. N. COOLEY,	[SEAL.]
<i>Comr. Ind. Affrs.</i>	
ELIJAH SELLS,	[SEAL.]
<i>Supl. Ind. Aff.</i>	
OK-TA-HAS HARJO, his × mark.	[SEAL.]
COW MIKKO, his × mark.	[SEAL.]
COTCH-CHO-CHEE, his × mark.	[SEAL.]
D. N. McINTOSH.	[SEAL.]
JAMES M. C. SMITH.	[SEAL.]

In presence of—

J. W. PUNN,

U. S. Indian Agent.

J. HARLAN,

U. S. Indian Agent.

CHARLES E. MIX,

J. M. TEBBETTS,

GEO. A. REYNOLDS,

U. S. Indian Agent.

JOHN B. SANBORN,

JOHN F. BROWN,

Seminole Delegate.

JOHN CRUPCO, his × mark.

FOSS-HARJO, his × mark.

CHO-COTE-HUGA, his × mark.

R. FIELDS,

Cherokee Delegate.

DOUGLAS H. COOPER,

WM. PENN ADAIR,

HARRY ISLAND, his × mark,

U. S. Interpreter, Creek Nation.

SELDIN WATIE.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the nineteenth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

July 19, 1866.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the City of Washington on the 14th day of June, 1866, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following

AMENDMENTS:

- 1st. Article 3, line 21, after the word "paid" insert the words: *in money and divided.*
- 2d. " " same line, strike out the words "in money."
- 3d. " " line 43, after the word "paid" insert the words: *in money and divided.*
- 4th. " " same line, strike out the words "in money."
- 3d. Strike out all of Article 6.

Witness:

J. W. FORNEY,

Secretary

And whereas the foregoing amendments having been fully explained and interpreted to the aforesaid delegates at large and special delegates of the Creek nation of Indians and Southern Creeks, they did, on the twenty-third day of July, one thousand eight hundred and sixty-six, give their free and voluntary assent to said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States did, on the 19th day of July, 1866, advise and consent to the ratification of the Treaty of Cession and Indemnity concluded at the city of Washington on the 14th day of June, 18 66, by and between the United States, represented by their Commissioners, and the Creek nation of Indians, with the following amendments, to wit:

1st. Article 3, line 21, after the word "paid" insert the words: *in money and divided.*

2d. " same line, strike out the words "in money."
" line 43, after the word "paid" insert the words: *in money and divided.*

3d. " same line, strike out the words "in money."
3d. Strike out all of Article 6.

Now, therefore, we, the delegates representing the Creek nation of Indians, do hereby assent and agree to the said amendments above written, the same having been interpreted to us and being fully understood by us.

Witness our hands and seals this 23d day of July, A. D. 1866, at Washington, D. C.

OK-TA-HAS HARJO, his X mark. [SEAL]

COW MIKKO, his X mark. [SEAL]

COTCH-CHO-CHEE his X mark. [SEAL]

D. N. MCINTOSH. [SEAL]

In presence of— JAMES M. C. SMITH. [SEAL]

CHARLES E. MIX.

W. R. IRWIN.

LEWIS S. HAYDEN.

G. D. CURTIS.

GEO. A. REYNOLDS.

E. B. GRAYSON.

JOHN F. BROWN.

J. HARLAN,

U. S. Indian Agent.

HARRY ISLAND, his X mark,

U. S. Interpreter for Creeks.

ROBERT JOHNSON, his X mark,

U. S. Interpreter for Seminoles.

JOHN CHUP-OO, his X mark.

FOS HARPO, his X mark.

CHO-COTE HARJO, his X mark.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in its resolution of the nineteenth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty with the amendments as aforesaid.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this eleventh day of August, in the year of [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

By the President:

ANDREW JOHNSON.

HENRY STANBURY,

Acting Secretary of State.



1871

TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

DELAWARE TRIBE OF INDIANS.

CONCLUDED JULY 4, 1866.

RATIFICATION ADVISED JULY 26, 1866.

PROCLAIMED AUGUST 10, 1866.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING.

Whereas a Treaty was made and concluded at the Delaware Agency, Kansas, on the fourth day of July, in the year of our Lord one thousand eight hundred and sixty-six, by and between Thomas Murphy, John G. Pratt, and William H. Watson, Commissioners, on the part of the United States, and Captain John Connor, Captain Sarcoxie, Charles Journeyeake, and other Chiefs and Councillors of the Delaware Tribe of Indians, on the part of said Tribe of Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit :

Articles of Agreement between the United States and the Chiefs and Councilors of the Delaware Indians, on behalf of said tribe, made at the Delaware Agency, Kansas, on the 4th day of July, 1866.

Whereas Congress has by law made it the duty of the President of the United States to provide by treaty for the removal of the Indian tribes from the State of Kansas; and whereas the Delaware Indians have expressed a wish to remove from their present reservation in said State to the Indian country, located between the States of Kansas and Texas; and whereas the United States have, by treaties negotiated with the Choctaws and Chickasaws, with the Creeks, and with the Seminoles, Indian tribes residing in said Indian country, acquired the right to locate other Indian tribes within the limits of the same; and whereas the Missouri River Railroad Company, a corporation existing in the State of Kansas by the laws thereof—and which company has built a railroad connecting with the Pacific railroad, from near the mouth of the Kaw river to Leavenworth, in aid of which road the Delawares, by treaty in 1864, agreed to dispose of their lands—has expressed a desire to purchase the present Delaware Indian reservation in the said State, in a body, at a fair price:

It is hereby agreed between Thomas Murphy, superintendent of Indian affairs, John G. Pratt, agent for the Delawares, and William H. Watson, special commis-

sioner, who are duly appointed to act for the United States; and Captain John Connor, Captain Sarcoxie, and Charles Journeyake, chiefs, and James Ketchum, James Connor, Andrew Miller, and John Sarcoxie, councillors, duly appointed and authorized by said Delaware Indians to act for them and in their behalf, to wit:

ARTICLE 1.

That the United States shall secure and cause to be paid to said Indians the full value of all that part of their reservation, with the improvements then existing on the same, heretofore sold to the Leavenworth, Pawnee, and Western Railroad Company, according to the terms of a treaty ratified August 22d, 1860, and supplemental treaties, and in accordance with the conditions, restrictions, and limitations thereof.

ARTICLE 2.

That the Secretary of the Interior shall be, and he is, authorized to sell to said Missouri River Railroad Company, or to other responsible party or parties, in a body, all the remaining part of said reservation, being the lands conveyed to said Delaware Indians in pursuance of the provisions of the supplemental treaty of September 24th, 1829, and all other lands owned by the said tribe in the State of Kansas not previously disposed of, except as hereinafter provided, for a price not less than two dollars and fifty cents per acre, exclusive of improvements.

ARTICLE 3.

It shall be the duty of the Secretary of the Interior to give each of all the adult Delaware Indians who have received their proportion of land in severalty an opportunity, free from all restraint, to elect whether they will dissolve their relations with their tribe and become citizens of the United States; and the lands of all such Indians as may elect so to become citizens, together with those of their minor children, held by them in severalty, shall be reserved from the sale hereinbefore provided for. And the Secretary of the Interior shall cause any and all improvements made on any of the said lands, the sale of which is provided for, whether held in common or in severalty, to be appraised, and the value thereof added to the price of said lands, to be paid for when payment is made for the lands upon which said improvements exist; and the money received for the improvements on the land of each Indian held in severalty shall be paid to him at any time after its payment to the Secretary of the Interior, when the Department shall be notified that said Indian is ready to remove to the Indian country, to provide for his removal to, and to enable him to make improvements on his new home therein: *Provided*, That whenever it shall be ascertained under the registry above provided for what lands will be vacated, there shall be set apart from the lands held in common, for each child of Delaware blood, born since the allotment of land to said tribe in severalty was made under previous treaties, a quantity of land equal to the amount to which they would have been entitled had they been born before said allotment, provided that selections for children belonging to families whose head may elect to remain may be made from lands which are to be vacated by those who elect

to remove: *And provided further*, That in case there shall be improvements upon any heretofore allotted lands, so selected for children of the Delawares, payment shall be made for such improvements, at their appraised value, by the parents or guardians of said children, at the same time as if the said lands had been sold to the railroad company or other parties.

ARTICLE 4.

The United States agree to sell to the said Delaware Indians a tract of land ceded to the government by the Choctaws and Chickasaws, the Creeks, or the Seminoles, or which may be ceded by the Cherokees in the Indian country, to be selected by the Delawares in one body in as compact a form as practicable, so as to contain timber, water, and agricultural lands, to contain in the aggregate, if the said Delaware Indians shall so desire, a quantity equal to one hundred and sixty (160) acres for each man, woman, and child who shall remove to said country, at the price per acre paid by the United States for the said lands, to be paid for by the Delawares out of the proceeds of sales of lands in Kansas heretofore provided for. The said tract of country shall be set off with clearly and permanently marked boundaries by the United States; and also surveyed as public lands are surveyed, when the Delaware council shall so request; when the same may, in whole or in part, be allotted by said council to each member of said tribe residing in said country, said allotment being subject to the approval of the Secretary of the Interior.

ARTICLE 5.

The United States guarantee to the said Delawares peaceable possession of their new home herein provided to be selected for them in the Indian country, and protection from hostile Indians and internal strife and civil war, and full and just participation in any general council or territorial government that may be established for the nations and tribes residing in said Indian country.

ARTICLE 6.

It is agreed that the proceeds of the sale of the Delaware lands here in provided for shall be paid to said Indians in the manner following, to wit: Whenever the Department of the Interior shall be notified by the council, through the agent, that any of the Delawares who hold land in severally are ready to remove, at the same time describing their allotments, there shall be paid to each such person the value of his allotment and that of his family, to enable him to remove to and improve his new home, provided the money for the said allotment shall have been paid to the Secretary of the Interior; and while said money, or any part thereof, shall remain in the treasury of the United States, the Delawares shall be entitled to receive interest on the amount so retained at the rate of five (5) per cent. per annum. And the residue of the proceeds of the sale of the Delaware land, being those which have not been allotted, or which have once been allotted but have been abandoned by the allottees, shall be added to the general fund of the Delawares, interest thereon to be paid to the Indians in the same manner as is now provided in regard to that fund.

ARTICLE 7.

Within thirty days after the ratification of this treaty it shall be the duty of the Secretary of the Interior to give the said Missouri River Railroad Company notice that he is authorized to contract with them or other responsible party or parties for the sale of said lands on the terms specified in this treaty indicating the approximate quantity thereof; and within twenty days after receiving said notice at their usual place of doing business in the State of Kansas it shall be competent for said company or other to make the purchase, by filing with the said Secretary their bond, with approved security, in double the amount proposed to be paid by them for the whole of said lands, guaranteeing that they will purchase all of the lands to be sold under the provisions of this treaty, and that they will pay thereon in conformity with the terms thereof. And upon the filing of a satisfactory bond as aforesaid provided by said company, the contract for such purchase shall be completed by the said Secretary with said Missouri River Railroad Company at not less than two dollars and fifty cents per acre for the whole of the lands herein provided to be sold: *Provided, however*, That if said railroad company shall not fail to the twenty days above limited file its bond for the purchase as herein provided, the Secretary of the Interior may at the expiration of that time complete the sale for the whole of said lands in one body, at not less than two dollars and fifty cents per acre from any other responsible parties; but no offer shall be considered from either parties than said Missouri River Railroad Company and no such contract shall be accompanied by a certificate of deposit in the First National Bank of New York or Washington, D. C., to the credit of the said Secretary, for an amount equal to the purchase of the aggregate value of the land at the price proposed, as the same may be fixed by the State of the Delawares if the sale should be awarded to said Missouri River Railroad Company or to any other party proposing to purchase the lands, and said party should fail to make payment as hereinafter provided.

ARTICLE 8.

That on the sixty days after the sale of said land shall have been effected, the purchaser shall pay to the said Secretary, in trust for the Delawares, the stipulated price of said unsold lands, with the appraised value of improvements thereon, reserving therefrom the mill reservation and the quarter sections upon which the cotton houses and blacksmith shops are built, the use of which shall be retained until the final removal of the Delawares, and for which payment shall not be required from the purchaser until possession is delivered; and from time to time hereafter, so often as the Secretary of the Interior shall notify the said purchaser that ten thousand acres or more of said lands have been vacated by said Indians, within three months thereafter, said purchaser shall pay to the Secretary of the Interior, on account for the said Indians, the stipulated price for said lands, with the appraised value of the improvements; and so on until all are paid for, according to the provisions herein and hereafter hereof; and as said lands shall be paid for, patents thereon conveying the same in fee simple, shall be from time to time issued to said purchaser, or to his heirs or assigns, by the President of the United States.

ARTICLE 9.

That the stipulation that the Secretary of the Interior shall cause a registry to be made of the names of all of said Delawares who have elected to dissolve their tribal relations and to become citizens of the United States, as provided in this

treaty, with the names, ages, and sex of the members of the family of each of said Delawares, and present a certified copy of the same to the judge of the district court of the United States for the district of Kansas, and cause a copy to be filed in the office of the Commissioner of Indian Affairs, after which any of said Delawares, being adults, may appear before the said judge in open court, and make the same proof and take the same oath of allegiance as is provided by law for the naturalization of aliens, and also make proof to the satisfaction of said court that he is sufficiently intelligent and prudent to control his own affairs and interests, that he has adopted the habits of civilized life, and has been able to support, for at least five years, himself and family; when he shall receive a certificate of the same under the seal of the said court; and on the filing of the said certificate in the office of the Commissioner of Indian Affairs, the said Delaware Indian shall be constituted a citizen of the United States, and be entitled to receive a patent in fee simple, with power of alienation, for the land heretofore allotted to him, and his just proportion, in cash or in kind, of the most value of the credits of said tribe, principal and interest, then held in trust by the United States; and also, as the same may be received, his proportion of the proceeds of the sale of lands under the provisions of this treaty, when he shall cease to be a member of said tribe. Whereupon all of the minor children of those who have become citizens shall be construed to have elected to sever their connection with said tribe for the time being, and be entitled to their just proportion of the annuities of the tribe, to be paid to the head of the family to be expended for their support and education until they shall attain the age of twenty-one years, after which each shall elect to remove to his tribe or to become a citizen of the United States, as hereinbefore provided, and if thus admitted to citizenship, shall be entitled to all the privileges and interests herein provided for the head of the family. Should any minor as aforesaid, arriving at the age of twenty-one years, and electing to become a citizen of the United States, or any adult Indian having so elected, fail to be admitted, he shall not be compelled to remove, but the Secretary of the Interior shall provide proper guardianship for the protection of his rights and interests and those of his family. There shall be granted to each of the Delawares who have thus become citizens, a patent in fee simple for the lands heretofore allotted to them, and, if they do not remove with the nation, their pro rata share of all annuities and trust property held by the United States for them, the division to be made under the direction of the President of the United States, after which such persons shall cease to be members of the Delaware tribe, and shall not further participate in their councils, nor share in their property or annuities.

ARTICLE 10.

It is further agreed that the funds of the Delawares shall never be applied by the government to the payment of the debt or debts of any individual member or members of the nation; nor shall any person be licensed to trade with the Delawares without the consent of the chiefs and council; and the salaries of the chiefs shall henceforward be four hundred dollars per annum.

ARTICLE 11.

The Delawares acknowledge their dependence upon the United States, and again renew their pledges of devotion to the government thereof, and ask its protection; and the United States agree to protect, preserve, and defend them in all their just rights.

ARTICLE 12.

It is also agreed that if the said Secretary should not be able to sell the said lands as hereinbefore provided, he may cause the same to be appraised, in square tracts, at three ten each value, no tract to be valued at less than two dollars and fifty cents per acre, and the same when appraised may be sold at not less than the appraised value, and for as much more as the same will bring, and the money arising from the sale to be applied and distributed as hereinbefore provided.

ARTICLE 13.

It is agreed by the Delawares that railroad companies engaged in building roads whose routes shall lie through their new reservation in the Indian country shall have a right of way through and over said lands, not exceeding 200 feet in width for any such road, and also the right to enter on all lands and take and use such gravel, stone and other material except timber as may be necessary for the construction of such roads, compensation to be made for any damages done in obtaining such material, and for any damages arising from the location or running of such roads to improvements which shall have been made before such road shall have been located, such damages to be ascertained under regulations to be prescribed by the Secretary of the Interior.

ARTICLE 14.

The United States further agree that, in accordance with the general provisions of the sixth article of the Delaware treaty of May 30, 1860, which have not yet been fulfilled, there shall be credited to the Delawares, in the purchase of their new reservation in the Indian country, the sum of thirty thousand dollars, which credit by the United States shall be received by the Delawares as a full settlement of all claims against the government for depredations upon timber to the date of the signing of this treaty; and the Delawares shall receive, without cost from the United States, land included within their new reservation to the amount of twenty-three sections, in place of the twenty-three sections of half-breed Kaw lands referred to in said sixth section of the treaty of 1860; and inasmuch as the Delawares claim that a large amount of stock has been stolen from them by whites since the treaty of 1854, the United States agree to have a careful examination of such claims made under the direction of the Secretary of the Interior, and when the value of such stolen stock shall have been ascertained, the same shall be reported to Congress with a recommendation for an appropriation to pay for the same; and all moneys appropriated for such purpose shall be paid to the owners of said stock.

ARTICLE 15.

It is also agreed by the contracting parties that nothing contained in this treaty shall be so construed as to require the Delawares to remove from their present homes, until after they shall have selected and received title to lands for new homes elsewhere.

In testimony whereof, the said superintendent, agent, and special commissioner, on behalf of the United States, and the said chiefs and councillors on behalf of the Delawares, have herenuto set their hands and seals this fourth day of July, one thousand eight hundred and sixty-six.

THOS. MURPHY, [SEAL.]

Superintendent.

JOHN G. PRATT, [SEAL.]

Agent.

W. H. WATSON, [SEAL.]

Special Commissioner.

JOHN CONNOR, his + mark, [SEAL.]

Head Chief.

CAPTAIN SARCOXIE, his + mark, [SEAL.]

Assistant Chief.

CHARLES JOURNEYCAKE, [SEAL.]

Assistant Chief.

JAMES KETCHUM, [SEAL.]

JAMES CONNOR, his + mark, [SEAL.]

ANDREW MILLER, his + mark, [SEAL.]

JOHN SARCOXIE, his + mark, [SEAL.]

Councillors.

ISAAC JOHNYCAKE,

U. S. Interpreter.

In presence of—

HENRY S. BULKLEY.

EDWARD S. MENAGER.

LOUIS A. MENAGER.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-sixth day of July, one thousand eight hundred and sixty-six, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 26, 1866.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the articles of agreement between the United States and Delaware Indians, made at the Delaware Agency, Kansas, on the 4th day of July, 1866.

Attest:

J. W. FORNEY,

Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the

Senate, as expressed in its resolution of the twenty-sixth of July, one thousand eight hundred and sixty-six, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this tenth day of August, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-six, and of the Independence of the United States of America the ninety-first.

ANDREW JOHNSON.

By the President:

HENRY STANBERRY,

Acting Secretary of State.

T R E A T Y

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

TRIBE OF SAC AND FOX INDIANS OF THE MISSISSIPPI.

CONCLUDED FEBRUARY 18, 1867.

AS RATIFIED BY THE PRESIDENT OCTOBER 14, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the eighteenth day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, Thomas Murphy, and Henry W. Martin, Commissioners, on the part of the United States, and Keokuk, Chekuskuk, Ue-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, Chiefs of the tribe of Sac and Fox Indians of the Mississippi, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement made and concluded this eighteenth day of February, one thousand eight hundred and sixty-seven, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs; William H. Watson, Special Commissioner; Thomas Murphy, Superintendent of Indian Affairs for Kansas; and Henry W. Martin, U. S. Indian Agent, duly authorized, and the tribes of Sacs and Foxes of the Mississippi, represented by Keokuk, Chekuskuk, Ue-quaw-ho-ko, Mut-tut-tah, and Man-ah-to-wah, chiefs of said tribes.

ARTICLE I.

The Sacs and Foxes of the Mississippi cede to the government of the United States all the lands, with the improvements thereon, contained in their unsold portion of their diminished reserve defined in the first article of their treaty ratified July 9, 1860, (the said tract containing about 86,400 acres, and being more particularly described by the survey and plats on file in the Department of the Interior,) except as reserved in previous treaties, or in this treaty.

ARTICLE II.

The said Indians also cede to the United States a full and complete title to the lands, with the improvements thereon, now remaining unsold in that portion of their old reservation provided by article 4 of the treaty of July 9, 1860, to be sold by the government for their benefit, the cession herein made being subject to the exceptions defined in this treaty.

ARTICLE III.

The United States agree to pay to the Sac and Fox Indians, parties to this treaty, at the rate of one dollar an acre for the whole of the land ceded in the two preceding sections, being about 157,000 acres of land, less the amount of land set apart for individuals; and further agree to pay the outstanding indebtedness of the said tribe, now represented by scrip issued under the provisions of previous treaties, and amounting, on the 1st of November, 1865, to \$26,574, besides the interest thereon, out of the proceeds of the sale of lands ceded in this treaty; and the amount herein provided to be paid to said Indians, after deducting such sums as, under the provisions of this treaty, are to be expended for their removal, subsistence, and establishing them in their new country, shall be added to their invested funds, and five per cent. interest paid thereon in the same manner as the interest of their present funds is now paid.

ARTICLE IV.

At any time after the ratification of this treaty, the lands ceded in the first article shall be held and considered at the disposal of the United States; except that, until the time for the removal of the Indians is fixed by public notice, under the provisions of this treaty, no interference shall be made with the rights of the Indians as the occupants of the lands, but they shall remain in all respects without molestation, in the same manner as if this treaty had not been made: *And provided further*, That inasmuch as there are valuable improvements upon said reservation, such improvements shall be appraised under the direction of the Secretary of the Interior, and the appraised value of the same shall be paid to the United States, before title is given to any individual or corporation for the lands upon which such improvements are situated.

ARTICLE V.

The lands ceded in the second article of this treaty, being the unsold remainder of the lands provided in the fourth article of the treaty of July 9, 1860, to be sold in trust for said Indians, shall, immediately upon the ratification of this treaty, become the property of the United States, and shall be open to entry and settlement; and the lands in the second article ceded, as well as those ceded in the first article, shall be subject to all the laws and regulations of the General Land Office the same as other public lands, except as relates to the provisions in the next preceding article relating to the time when they shall be open for settlement, and the requirement of payment for the improvements; and should there be any improvements upon the land ceded in the second article, they shall be appraised, and payment shall be required therefor; *Provided*, That such lands shall be subject to sale in tracts of not exceeding 160 acres to any one person and at a price not less than \$1.50 per acre.

ARTICLE VI.

The United States agree, in consideration of the improvements upon the said reservation, to give to the Sacs and Foxes for their future home a tract of land in the Indian country south of Kansas, and south of the Cherokee lands, not exceeding 750 square miles in extent. The selection of such new reservation shall be made under the direction of the Secretary of the Interior, and with his approval, by commissioners appointed by the said Secretary, who shall visit the Indian country, with delegations from all the tribes proposing to remove thereto, as soon as practicable after the ratification of this treaty; and said reservation shall be surveyed as to its exterior lines, at the cost of the United States, under the direction of the Commissioner of Indian

Affairs, not to exceed \$3,000: *Provided*, That if it shall be found impracticable to select a suitable home for the tribe except by purchase from the Cherokees, the United States will pay towards the said purchase the same amount that would have been payable to the Creeks if the reservation had been selected upon the former Creek lands; and in that case the balance of the money payable to the Cherokees shall be deducted from the amount due the Sacs and Foxes under this treaty.

ARTICLE VII.

As soon as practicable after the selection of the new reservation herein provided for, there shall be erected thereon, at the cost of the United States, a dwelling-house for the agent of the tribe, a house and shop for a blacksmith, and dwelling-house for a physician, the aggregate cost of which shall not exceed \$10,000; and also at the expense of the tribe, five dwelling-houses for the chiefs, to cost in all not more than five thousand dollars.

As soon as practicable after such selection of a reservation as it may, in the discretion of the Secretary of the Interior, be deemed advisable for the Indians to remove thereto, regard being had to the proper season of the year for such removal, notice shall be given to their agent, directing such removal; and whenever such time shall be fixed, public notice thereof shall be given in three leading newspapers of Kansas, and thereafter the land ceded to the United States by the first article of this treaty, shall be open to entry and settlement, under the provisions of the fourth article.

ARTICLE VIII.

No part of the invested funds of the tribe, or of any moneys which may be due to them under the provisions of previous treaties, nor of any moneys provided to be paid to them by this treaty, shall be used in payment of any claims against the tribe accruing previous to the ratification of this treaty, unless herein expressly provided for.

ARTICLE IX.

In order to promote the civilization of the tribe, one section of land, convenient to the residence of the agent, shall be selected by said agent, with the approval of the Commissioner of Indian Affairs, and set apart for a manual labor school; and there shall also be set apart, from the money to be paid to the tribe under this treaty, the sum of \$10,000 for the erection of the necessary school buildings and dwelling for teacher, and the annual amount of \$3,000 shall be set apart from the income of their funds after the erection of such school buildings, for the support of the school; and after settlement of the tribe upon their new reservation, the sum of \$3,000 of the income of their funds may be annually used, under the direction of the chiefs, in the support of their national government, out of which last mentioned amount the sum of \$500 shall be annually paid to each of the chiefs.

ARTICLE X.

The United States agree to pay annually, for five years after the removal of the tribe, the sum of fifteen hundred dollars for the support of a physician and purchase of medicines, and also the sum of \$350 annually for the same time, in order that the tribe may provide itself with tobacco and salt.

ARTICLE XI.

In consideration of certain improvements made by John Goodell upon the lands of the nation within their present reservation, and of his services as their interpreter, he shall be allowed to select therefrom a half section of land; and it is further provided that of said land, Sarah A. Whistler and Pash-e-ca-cab, or Amelia Mitchell, shall each be allowed to select a half section of land, the latter selection to include the house in which she lives; and Julia A. Goodell one quarter section, besides the land, not exceeding eight acres, upon which her house and improvements are situated; and Mary A. Means one quarter section, to includ[e] the improvements occupied by her; and there shall also be allowed to Antoine Gokey and William Avery, each one hundred and sixty acres, to Leo Whistler and Gertrude Whistler, each three hundred and twenty acres, and to James Thorpe, Virginia Thorpe, and Cassandra Thorpe, Thomas J. Miles, Hattie Miles, Emma Ke-o-kuck, Hannie Ke-o-kuck, Mo-Co-P-quah, each eighty acres, Man-a-tah, Pah-meh-che-kaw-paw, Henry Jones, Wilson McKinney and Carrie C. Capper, each one hundred and sixty acres, to be selected from unimproved lands: *Provided*, That the parties herein named shall pay to the Secretary of the Interior within three months after the ratification of this treaty, the sum of one dollar per acre for said lands, the avails of which shall be used for the benefit of the Sacs and Foxes in the same manner as the other funds arising from the sales of their lands: *Provided also*, That George Powers, the present government interpreter, for valuable services rendered and uniform kindness towards the nation, shall have patented to him in fee simple 320 acres of land, to be located by the agent: *Provided*, That they may select from lands upon which improvements exist, by paying the appraised value of such improvements; but no selection shall include the agency, mission, or mill buildings; and upon the approval by the Secretary of the Interior of such selections, patents in fee simple shall be issued to the respective parties, their heirs or assigns.

ARTICLE XII.

In consideration of the faithful services of Samuel Black in protecting their houses and timber from trespass and depredation, there shall be patented to him in fee simple the tract of land upon which he lives, being the west half of the northwest quarter section four, town[ship] seventeen, range sixteen.

ARTICLE XIII.

John K. Rankin, licensed traders, having erected valuable building at the agency, it is agreed that he may have a patent for the land, not exceeding eight acres, upon which such improvements are built, and not to include any other improvements, on the payment of \$2 50 per acre.

ARTICLE XIV.

The Sacs and Foxes, parties to this treaty, agree that the Sacs and Foxes of Missouri, if they shall so elect, with the approval of the Secretary of the Interior, may unite with them and become a part of their people, upon their contributing to the common fund such a portion of their funds as will place them on an equal footing in regard to annuities.

ARTICLE XV.

The claims of the Sacs and Foxes against the United States for stealing of stock, which have heretofore been adjusted, amounting to \$16,400, shall be paid by the United States, and the amount disbursed and expended for the benefit of the tribe in such objects for their improvement and comfort upon the new reservation as the chiefs, through their agent, shall desire; and whereas the Indians claim that one full payment due under previous treaty has never been made to them, it is agreed that a careful examination of the books of the Commissioner of Indian Affairs shall be made, and if any sum is found to be still due and unpaid, the same shall be paid to them per capita in the same manner as their annuities are paid.

ARTICLE XVI.

The United States will advance to the said tribe of Indians the sum of twenty thousand dollars, or so much thereof as may be necessary, to pay the expenses of their subsistence for the first year after their arrival at their new home in the Indian country, and to pay the necessary expenses of removal, and furnish necessary rations for the journey during such removal; said removal to be made under direction of the superintendent or agent, to be designated by the Secretary of the Interior; the moneys thus expended to be deducted from the whole amount provided to be paid for their lands herein ceded.

ARTICLE XVII.

It is hereby provided that the half-breeds and full-bloods of the tribe, who were entitled to selections of land under the Sac and Fox treaty, ratified July 9, 1800, and which selections have been approved by the Secretary of the Interior, shall be entitled to patents in fee-simple for the lands heretofore selected, according to the schedule annexed to this treaty: *Provided*, That where such selections have been made and the allottees have sold their lands for a valuable consideration not less than \$1.25 per acre, the Secretary of the Interior shall, upon full proof being made, cause patents to issue to the purchasers or their assigns.

ARTICLE XVIII.

All sales hereafter made by or on behalf of persons to whom lands are assigned in this treaty shall receive the approval of the Secretary of the Interior before taking effect in conveying title to lands so sold.

ARTICLE XIX.

The United States agree to pay the expenses of negotiating this treaty, not to exceed the sum of fifteen hundred dollars, not to exceed the sum of \$1,500 00.

ARTICLE XX.

The chiefs and headmen of the Sacs and Foxes having permitted their employes to cultivate farms, which, together with the farms of Ke-o-kuck and other chiefs, are embraced within an area two miles by four, and the said Sacs and Foxes believing that the lands comprising the said area having been made valuable by reason of said occupancy, and in order that they may receive a fair compensation for said area of land, bounded and described as follows, except as heretofore

specially excepted, and the mill and mission building, to wit: Commencing at the northwest corner of section 33, township 16, range 17; thence east two and a quarter ($2\frac{1}{4}$) miles to the reservation line; thence south along said line four miles; thence west two and a fourth ($2\frac{1}{4}$) miles to the southwest corner of section 16, township 17, range 17; thence north along the section line to the place of beginning, are hereby withdrawn from sale, as is provided for the sale of their lands in this treaty, and that the said area of land, as above described, shall be sold by the chiefs and agent for the tribe at the best price obtainable; and they are hereby empowered to make warrantee deeds for the same, subject to the approval of the Secretary of the Interior, at not less than \$2.00 per acre in addition to the appraised value of the improvements. The avails of said lands shall be expended by the agent under the direction of the chiefs for the benefit of the nation.

ARTICLE 21.

The Sacs and Foxes of the Mississippi, parties to this agreement, being anxious that all the members of their tribe shall participate in the advantages to be derived from the investment of their national funds, sales of lands, and so forth, it is therefore agreed that, as soon as practicable, the Commissioner of Indian Affairs shall cause the necessary proceedings to be adopted, to have such members of the tribe as may be absent, notified of this agreement and its advantages, and to induce them to come in and permanently unite with their brethren, and that no part of the funds arising from or due the nation under this or previous treaty stipulations shall be paid to any bands or parts of bands, who do not permanently reside on the reservation set apart to them by the Government in the Indian Territory, as provided in this treaty, except those residing in the State of Iowa; and it is further agreed, that all money, accruing from this or former tribes, [treaties,] now due or to become due said nation, shall be paid them on their reservation in Kansas; and after their removal, as provided in this treaty, payments shall be made at their agency on their lands as then located.

List of Sec and For lands selected for individuals referred to in Article 17 of the above treaty, selected by Perry Fuller, agent.

Names of persons.	Description. [in of	Sec[.tion.]	Town[ship.]	Range.
Alvira Connolly	S. $\frac{1}{2}$ NW. $\frac{1}{4}$	5	17	18
Do.	SW. $\frac{1}{4}$	5	17	18
Do.	N. $\frac{1}{2}$ NW. $\frac{1}{4}$	8	17	18
Alexander Connolly	E. $\frac{1}{4}$	4	17	18
Cordelia Connolly	E. $\frac{1}{4}$	35	16	17
Isaac Goodell	W. $\frac{1}{4}$	3	17	18
Kish-Kah-Iwah	S. $\frac{1}{4}$	16	17	18
Mary I. Thorp	E. $\frac{1}{4}$	12	17	17
Hiram P. Thorp	E. $\frac{1}{4}$	1	17	17
Francis A. Thorp	W. $\frac{1}{4}$	6	17	18
Amelia McPherson	W. $\frac{1}{4}$	1	17	17
Sarah A. Whistler	SW. $\frac{1}{4}$	34	16	18
Do.	SW. $\frac{1}{4}$ SW. $\frac{1}{4}$	35	16	18
Do.	W. $\frac{1}{4}$ NW. $\frac{1}{4}$	2	17	18
Do.	NW. $\frac{1}{4}$ SW. $\frac{1}{4}$	2	17	18
Julia A. Goodell	N. $\frac{1}{4}$	21	17	18
Susan J. Goodell	E. $\frac{1}{4}$	3	17	18
John Goodell, jr.	E. $\frac{1}{4}$	17	17	18
Jane Goodell	NE. $\frac{1}{4}$	10	17	18
Do.	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do.	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do.	NW. $\frac{1}{4}$ NW. $\frac{1}{4}$	11	17	18
Mary A. Byington	E. $\frac{1}{4}$ NE. $\frac{1}{4}$	9	17	18
Do.	E. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Do.	W. $\frac{1}{4}$ SW. $\frac{1}{4}$	10	17	18
Do.	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	10	17	18
Do.	NE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Margaret Miles	W. $\frac{1}{4}$	4	17	18
Thomas J. Connolly	SW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Do.	SE. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Do.	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	16	17	18
Do.	NW. $\frac{1}{4}$	16	17	18
Charles T. Connolly	E. $\frac{1}{4}$ NW. $\frac{1}{4}$	9	17	18
Do.	W. $\frac{1}{4}$ NE. $\frac{1}{4}$	9	17	18
Do.	NW. $\frac{1}{4}$ SE. $\frac{1}{4}$	9	17	18
Do.	SE. $\frac{1}{4}$ SW. $\frac{1}{4}$	9	17	18
Do.	S. $\frac{1}{4}$ SW. $\frac{1}{4}$	9	17	18

The following were selected by C. C. Hutchinson:

Names of persons.	Description.	Sec[.tion.]	Town[ship.]	Range.
Kaw-Kol-we-nah	E. $\frac{1}{4}$	2	17	17
George Powers	NE. $\frac{1}{4}$	8	17	18
Do.	S. $\frac{1}{4}$ NW. $\frac{1}{4}$	8	17	18
Do.	N. $\frac{1}{4}$ SW. $\frac{1}{4}$	8	17	18
Joseph Gokey	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	21	17	18
Do.	N. $\frac{1}{4}$ NW. $\frac{1}{4}$	24	17	18
Do.	SW. $\frac{1}{4}$ NW. $\frac{1}{4}$	24	17	18
Do.	NW. $\frac{1}{4}$ NE. $\frac{1}{4}$	28	17	18
Do.	W. $\frac{1}{4}$ SE. $\frac{1}{4}$	29	17	18
Met-tach-ah-puck-o-tah	E. $\frac{1}{4}$	7	17	18
Muck-oh-tah-o-quit	W. $\frac{1}{4}$	7	17	18



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SISSITON AND WARPETON BANDS OF
DAKOTA OR SIOUX INDIANS.

CONCLUDED FEBRUARY 19, 1867.

RATIFICATION ADVISED, WITH AMENDMENTS, APRIL 15, 1867.

AMENDMENTS ACCEPTED APRIL 22, 1867.

PROCLAIMED MAY 2, 1867





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of February in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy and William H. Watson, Commissioners, on the part of the United States, and Gabriel Renville, Wamdiupiduta, Tacandupahotanka, and other Chiefs and Headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Whereas it is understood that a portion of the Sisseton and Warpeton bands of Santee Sioux Indians, numbering from twelve hundred to fifteen hundred persons, not only preserved their obligations to the government of the United States, during and since the outbreak of the Medewakantons and other bands of Sioux in 1862, but freely peril[le]d their lives during that outbreak to rescue the residents on the Sioux reservation, and to obtain possession of white women and children made captives by the hostile bands; and that another portion of said Sisseton and Warpeton bands, numbering from one thousand to twelve hundred persons, who did not participate in the massacre of the whites in 1862, fearing the indiscriminate vengeance of the whites, fled to the great prairies of the northwest, where they still remain: and

Whereas Congress, in confiscating the Sioux annuities and reservations made no provision for the support of these, the friendly portion of the Sisseton and Warpeton bands, and it is believed [that] they have been suffered to remain homeless wanderers, frequently subject to intense suffering from want of subsistence and clothing to protect them from the rigors of a high northern latitude, although at all times prompt in rendering service when called upon to repel hostile raids and to punish depredations committed by hostile Indians upon the persons and property of the whites; and

Whereas the several subdivisions of the friendly Sissetons and Warpeton bands ask, through their representatives, that their adherence to their former obligations of friendship to the government and people of the United States be recognized, and that provision be made to enable them to return to an agricultural life and be relieved from a dependence upon the chase for a precarious subsistence: therefore,

A treaty has been made and entered into, at Washington city, District of Columbia, this nineteenth day of February, A. D. 1867, by and between Lewis V. Bogy, Commissioner of Indian Affairs, and William H. Watson, commissioners, on the part of the United States, and the undersigned chiefs and headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians, as follows, to wit:

ARTICLE 1ST.

The Sisseton and Warpeton bands of Dakota Sioux Indians represented in council will continue their friendly relations with the government and people of the United States, and bind themselves individually and collectively to use their influence to the extent of their ability to prevent other bands of Dakota or other adjacent tribes from making hostile demonstrations against the government or people of the United States.

ARTICLE 2ND.

The said bands hereby cede to the United States the right to construct wagon roads, railroads, mail stations, telegraph lines, and such other public improvements as the interest of the government may require, over and across the lands claimed by said bands (including their reservation as hereinafter designated) over any route or routes that *that* may be selected by authority of the government, said lands so claimed being bounded on the south and east by the treaty line of 1851 and the Red river of the North to the mouth of Goose river, on the north by the Goose river and a line running from the source thereof by the most westerly point of Devil's lake to the Chief's Bluff at the head of James river, and on the west by the James river to the mouth of Mochasin river, and thence to Kampeska lake.

ARTICLE 3RD.

For and in consideration of the cession above mentioned, and in consideration of the faithful and important services said to have been rendered by the friendly bands of Sissetons and Warpetons Sioux here represented, and also in consideration of the confiscation of all their annuities, reservations, and improvements, it is agreed that there shall be set apart for the members of said bands who have heretofore surrendered to the authorities of the government, and were not sent to the Crow Creek reservation, and for the members of said bands who were released from prison in 1866, the following described lands as a permanent reservation viz:

Beginning at the head of Lake Traverse, and thence along the treaty line of the treaty of 1851 to Kampeska lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie[s], and thence passing north of Skunk lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty line of 1851 to the place of beginning.

ARTICLE 4TH.

It is further agreed that a reservation be set apart for all other members of said bands who were not sent to the Crow Creek reservation, and also for the Cut head bands of Yanktonais Sioux, a reservation bounded as follows, viz:

Beginning at the most easterly point of Devil's lake; thence along the waters of said lake to the most westerly point of the same; thence on a direct line to the nearest point on the Cheyenne river; thence down said river to a point opposite the lower end of Aspen island, and thence on a direct line to the place of beginning.

ARTICLE 5TH.

The said reservations shall be apportioned in tracts of (160) one hundred and sixty acres to each head of a family, or single person over the age of (21) twenty-one years, belonging to said bands, and entitled to locate thereon, who may desire

to locate permanently and cultivate the soil as a means of subsistence; each (160) one hundred and sixty acres so allotted to be made to conform to the legal subdivisions of the government surveys, when such surveys shall have been made; and every person to whom lands may be allotted under the provisions of this article who shall occupy and cultivate a portion thereof for five consecutive years shall thereafter be entitled to receive a patent for the same so soon as he shall have fifty acres of said tract fenced, ploughed, and in crop: *Provided*, [That] said patent shall not authorize any transfer of said lands, or portions thereof, except to the United States, but said lands and the improvements thereon shall descend to the proper heirs of the persons obtaining a patent.

ARTICLE 6TH.

To enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862, it is agreed that there shall be expended for the benefit of the Indians entitled to locate farms on the Lake Traverse reservation for the year 1867, three hundred and fifty thousand dollars; for the year 1868, two hundred and fifty thousand dollars; for the year 1869, one hundred thousand dollars; for the year 1870, fifty thousand dollars; and thirty thousand dollars annually thereafter; and to enable the Indians on said reservation to return at once to their agricultural habits and life, and be enabled to cultivate a crop the coming season, the expenditures set forth in the schedule hereunto attached, shall be made at as early a day as possible.

ARTICLE 7TH.

An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be (500) five hundred persons located permanently upon the Devil's Lake reservation, there shall be an agent, or other competent person, appointed to superintend the agricultural, educational, and mechanical interests of said Indians, and thereafter there shall be expended to aid said Indians in their agricultural improvements and civilization, for the first year, one hundred thousand dollars; for the second year, two hundred thousand dollars; for the third year, one hundred thousand dollars; for the fourth year, fifty thousand dollars; and thirty thousand dollars annually thereafter.

ARTICLE 8TH.

All expenditures to be made upon said reservation[s] (except as per schedule aforesaid) shall be made for the agricultural improvement and civilization of the Indians upon the respective reservations, in such manner as the President of the United States shall direct, but no issue of goods, provisions, groceries, or other articles, (except houses, which will be provided for Indians and mixed-bloods entitled to locate on the respective reservations as they advance in agriculture,) shall be made to Indians or mixed-bloods on either reservation, unless it be made in payment of labor performed, or to be performed, or for produce delivered: *Provided*, That when persons on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from the supplies provided for said bands.

ARTICLE 9TH.

As it is contemplated that the agent will supply the Indians and mixed-bloods with clothing, provisions, &c., in payment for labor, as provided in Article 8, and it being desirable that no encouragement be afforded them to rely upon the chase as

a means of subsistence, no person will be permitted to trade upon either of the reservations nor within the limits of the land claimed by said bands, as designated in the 2nd article of this treaty; and it is also agreed that no person, not a member of said bands, parties hereto, whether white, mixed-blood, or Indian, except persons in the employ of the government, or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE 10TH.

It is further agreed that the said bands, parties to this treaty, will guarantee the safety of travel, of the transportation of the mails, supplies, &c., the protection of mail stations and property connected therewith, upon the lands claimed by them as before specified, and the safety of the frontier settlers of Minnesota and eastern Dakota from trespass by hostile or unfriendly Indians; said safety of travel and transportation and protection of mail stations and property to extend over any route across the lands claimed by said bands as hereinbefore set forth.

ARTICLE 11TH.

To enable said Indians to make good the guarantee above specified, the President of the United States will cause the selection and appointment of a suitable person, satisfactory to the Indians here represented, who shall organize not less than two hundred and fifty members of said bands for service as scouts. The person so selected shall command and control the operations of said scouts, under such regulations, and shall report to such civil or military officer of the government, as the President may direct; and the President may at any time dispense with said organization: *Provided*, [That] the said guarantees specified in article 10 shall not be in force until the organization aforesaid is made, nor after it is dispensed with.

ARTICLE 12TH.

Each scout so employed will furnish his own horse, arms, ammunition, transportation, and equipments of all kinds, and receive from the United States sixty dollars per month, and rations for himself and family, and grain rations for his horse, in full of all allowances whatever: *Provided*, That there shall be one chief of station to every twelve men, who shall receive fifteen dollars per month extra; and there shall be one chief of escort to every fifty men, who shall receive twenty dollars per month extra, and one chief of band to every hundred men, who shall receive thirty dollars per month extra. The commandant of the organization to receive such compensation as the President may direct.

ARTICLE 13.

Whenever the organization of scouts as before specified shall be dispensed with, the said bands shall have authority to organize under the direction of the agent, and without expense to the government, scouts sufficient to enforce any and all rules, regulations, or laws which may be prescribed by the government, or adopted by the chiefs and head men in council upon either reservation, for the security of life and property and the progress of agricultural improvement and civilization upon such reservation.

ARTICLE 14.

It is further provided that the balance of debts or claims against the Sisseton and Warpeton bands of Sioux Indians provided to be paid by the 3rd article of

the treaty of 1858, and the decision of the Secretary of the Interior in 1861, are to be paid to the claimants, their attorneys or assignees, as shown to be due by the schedules exhibiting the settlement of said claims, after an examination by the Commissioner of Indian Affairs, and on file in the Department of the Interior, amounting in the aggregate to twenty-four thousand three hundred and seventy-one dollars and eighty cents.

In testimony whereof, we, the commissioners representing the United States and the delegates representing the Sisseton and Warpeton bands of Sioux Indians, have hereunto set our hands and seals, at the place and on the day and year above written.

LEWIS V. BOGY,
Commissioner of Indian Affairs.
W. H. WATSON.

Signed in presence of—

CHARLES E. MIX.

GABRIEL RENVILLE,

head chief Siss[i]ton and Wa[r]peton bands.
WAMDIUPIDUTA, his x mark,

head Siss[i]ton chief.

TACANDUPAHOTANKA, his x mark,
head Wa[r]peton chief.

OYEH DUZE, his x mark, chief Sisseton.

UMPETUTOKCA, his x mark, " Wahpeton.

JOHN OTHERDAY.

AKICITANANJIN, his x mark, Sisseton soldier.

WAXICUNMAZA, his x mark, " "

WASUKIYE, his x mark, " "

WAMDIIDUTA, his x mark, " "

HOKXIDANWAXTE, his x mark, " "

WAKANTO, his x mark, " "

ECANAJINKE, his x mark, " "

CANTEIYAPA, his x mark, " "

TIHDONICA, his x mark, " "

TAWAPAHAMAZA, his x mark, " "

WANDIYEZA, his x mark, " "

TACUNRPIPETA, his x mark, " "

WICUMRPINUMPA, his x mark, Wa[r]peton "

XUPEHIYU, his x mark, " "

ECETUKIYE, his x mark, " "

KANGIDUTA, his x mark, " "

Witnesses to signatures of above chiefs and soldiers:

CHARLES E. MIX.

BENJ'N THOMPSON.

J. R. BROWN.

ANEXUS M. A. BROWN, *Interpreter.*

CHAS. CRAWFORD.

THOS E. MCGRAW.

J. H. LEAVENWORTH.

A. B. NORTON.

GEO. B. JONAS.

FRANK S. MIX.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the fifteenth day of April, one thousand eight hundred and sixty-seven, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
April 15, 1867.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the Treaty between the United States and the Chiefs and Headmen of the Sissiton and Warpeton bands of Dakota Indians, concluded February 19th, 1867, with the following

AMENDMENTS:

Strike out all of said treaty from and following the 6th to the 14th article, both inclusive, and insert in lieu thereof the following, viz:

ARTICLE 6.

And, further, in consideration of the destitution of said bands of Sissiton and Warpeton Sioux, parties hereto, resulting from the confiscation of their annuities and improvements, it is agreed that Congress will, in its own discretion, from time to time, make such appropriations as may be deemed requisite to enable said Indians to return to an agricultural life under the system in operation on the Sioux reservation in 1862; including, if thought advisable, the establishment and support of local and manual labor schools; the employment of agricultural, mechanical, and other teachers; the opening and improvement of individual farms; and generally such objects as Congress in its wisdom shall deem necessary to promote the agricultural improvement and civilization of said bands.

ARTICLE 7.

An agent shall be appointed for said bands, who shall be located at Lake Traverse; and whenever there shall be five hundred (500) persons of said bands permanently located upon the Devil's Lake reservation there shall be an agent or other competent person appointed to superintend at that place the agricultural, educational, and mechanical interests of said bands.

ARTICLE 8.

All expenditures under the provisions of this treaty shall be made for the agricultural improvement and civilization of the members of said bands authorized to locate upon the respective reservations, as hereinbefore specified, in such manner as may be directed by law; but no goods, provisions, groceries, or other articles—except materials for the erection of houses and articles to facilitate the

operations of agriculture—shall be issued to Indians or mixed-bloods on either reservation unless it be in payment for labor performed or for produce delivered: *Provided*, That, when persons located on either reservation, by reason of age, sickness, or deformity, are unable to labor, the agent may issue clothing and subsistence to such persons from such supplies as may be provided for said bands.

ARTICLE 9.

The withdrawal of the Indians from all dependence upon the chase as a means of subsistence being necessary to the adoption of civilized habits among them, it is desirable that no encouragement be afforded them to continue their hunting operations as means of support, and, therefore, it is agreed that no person will be authorized to trade for furs or peltries within the limits of the land claimed by said bands, as specified in the second article of this treaty, it being contemplated that the Indians will rely solely upon agricultural and mechanical labor for subsistence, and that the agent will supply the Indians and mixed-bloods on the respective reservations with clothing, provisions, &c., as set forth in article eight, so soon as the same shall be provided for that purpose. And it is further agreed that no person not a member of said bands, parties hereto whether white, mixed blood, or Indian, except persons in the employ of the government or located under its authority, shall be permitted to locate upon said lands, either for hunting, trapping, or agricultural purposes.

ARTICLE 10.

The chiefs and headmen located upon either of the reservations set apart for said bands are authorized to adopt such rules, regulations, or laws for the security of life and property, the advancement of civilization, and the agricultural prosperity of the members of said bands upon the respective reservations, and shall have authority, under the direction of the agent, and without expense to the government, to organize a force sufficient to carry out all such rules, regulations, or laws, and all rules and regulations for the government of said Indians, as may be prescribed by the Interior Department: *Provided*, That all rules, regulations, or laws adopted or amended by the chiefs and headmen on either reservation shall receive the sanction of the agent.

Attest:

J. W. FORNEY, *Secretary*,
by W. J. McDONALD, *Chief Clerk*.

And whereas the foregoing amendments having been fully explained and interpreted to the Chiefs and Headmen of the Sisseton and Warpeton bands of Dakota or Sioux Indians whose names are hereinafter signed, they did on the twenty-second day of April, one thousand eight hundred and sixty-seven, give their free and voluntary assent to the said amendments, in the words and figures following, to wit:

The foregoing amendments having been fully explained and interpreted to us, the Chiefs and Headmen of the Sisseton and Warpeton bands of *Dacotah* [Dakota] or Sioux Indians, now therefore, we, the Chiefs and Headmen of said bands, duly authorized by our people, do hereby accept, assent, and agree to the said amendments as above written, the same being fully understood by us.

Witness our hands and seals this 22d day of April, 1867, at Washington, D. C.

GABRIEL RENVILLE,		
head chief of Sissiton and Warpeton bands,		[SEAL.]
WAMDUPIDUTA, his x mark,		
head Sissiton Chief,		[SEAL.]
TACANDUPAHOTANKA, his x mark,		
head Warpeton Chief,		[SEAL.]
OYEHDUZE, his x mark,		
Chief Sissiton,		[SEAL.]
JOHN OTHERDAY, chief Warpeton,		[SEAL.]
AKICITANANJON, his x mark,	Sissiton soldier,	[SEAL.]
WAXICUNMAZA, his x mark,	" "	[SEAL.]
WASUKIYE, his x mark,	" "	[SEAL.]
WAMDIDUTA, his x mark,	" "	[SEAL.]
HOKXIDANWAXTE, his x mark,	" "	[SEAL.]
WAKANTO, his x mark,	" "	[SEAL.]
ECANAJINKE, his x mark,	" "	[SEAL.]
CANTEIYAPA, his x mark,	" "	[SEAL.]
TIHDONICA, his x mark,	" "	[SEAL.]
TAWAPAHAMAZA, his x mark,	" "	[SEAL.]
WANDIYEZA, his x mark,	" "	[SEAL.]
TACUNRPIPETA, his x mark,	" "	[SEAL.]
XUPEHIYEE, his x mark,	Warpeton	[SEAL.]
WICUNRPINUPA,	" "	[SEAL.]
ECETUKIYA,	" "	[SEAL.]
HANGIDUTA, (dend,)	" "	[SEAL.]

Signed in presence of

N. G. TAYLOR, *Comr. Ind. Affs.*
 BENJN. THOMPSON, *Special Agent.*
 J. R. BROWN, *Spl. Agt.*
 ALF. A. TAYLOR.
 W. P. DOLE
 H. H. YOUNG.
 ANEXUS M. A. BROWN, *Interp[re]ter.*
 CHAS. CRAWFORD, *Interpreter.*
 CHARLES E. MIX.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the fifteenth of April, one thousand eight hundred and sixty-seven, accept, ratify, and confirm the said Treaty with the amendments as aforesaid.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington this second day of May, in the year
 [SEAL.] of our Lord one thousand eight hundred and sixty-seven,
 and of the Independence of the United States of America
 the ninety-first.

By the President:

ANDREW JOHNSON.

WILLIAM H. SEWARD, *Secretary of State.*

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

SENECAS, MIXED SENECAS AND SHAWNEES, QUAPAWS, CONFEDERATED PEORIAS, KASKASKIAS, WEAS, AND PLANKESHAWES, OTTOWAS OF BLANCHARD'S FORK AND ROCHE DE BEUF, AND CERTAIN WYANDOTTES.

CONCLUDED FEBRUARY 23, 1867.
RATIFICATION ADVISED, WITH AMENDMENTS, JUNE 18, 1868.
AMENDMENTS ACCEPTED SEPTEMBER 1, 7, 8, AND 15, 1868.
PROCLAIMED OCTOBER 14, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-third day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, Thomas Murphy, George C. Snow, and G. A. Colton, Commissioners, on the part of the United States, and certain Chiefs, Delegates, and Headmen of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Miamies, Ottawans of Blanchard's Fork and Roche de Beauf, and certain Wyandottes, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of Agreement concluded at Washington, D. C., the 23d day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs, George C. Snow, and G. A. Colton, U. S. Indian agents, duly authorized, and the Senecas, represented by George Spicer and John Mush; the mixed Senecas and Shawnees, by John Whitetree, John Young, and Lewis Davis; the Quapaws, by S. G. Vallier and Ka-zhe-cah; the confederated Peorias, Kaskaskias, Weas, and Piankeshaws, by Baptiste Peoria, John Mitchell, and Edward Black; the Miamies, by Thomas Metosenyah and Thomas Richaville, and the Ottawans of Blanchard's Fork and Roche de Beauf, by John White and J. T. Jones, and including certain Wyandott[e]s, represented by Tanroncee, or John Hat, and John Karaho.

Whereas it is desirable that arrangements should be made by which portions of certain tribes, parties hereto, now residing in Kansas, should be enabled to remove to other lands in the Indian country south of that State, while other portions of said tribes desire to dissolve their tribal relations and become citizens; and whereas it is necessary to provide certain tribes, parties hereto, now residing in the Indian country, with means of rebuilding their houses, reopening their farms, and supporting their families, they having been driven from their reservation early in the late war, and suffered greatly for several years, and being willing to sell a portion of their lands to procure such relief; and whereas a portion of the Wyandottes, parties to the treaty of 1855, although taking lands in severalty, have sold said lands and are still poor, and

have not been compelled to become citizens, but have remained without clearly recognized organization, while others who did become citizens are unfitted for the responsibilities of citizenship; and whereas the Wyandottes, treated with in 1855, have just claims against the government, which will enable the portion of their people herein referred to to begin anew a tribal existence: Therefore it is agreed:

ARTICLE 1.

The Senecas cede to the United States a strip of land on the north side of their present reservation in the Indian country; the land so ceded to be bounded on the east by the State of Missouri, on the north by the north line of the reservation, on the west by the Neosho river, and running south for the necessary distance, to contain 20,000 acres; for which the government is to pay \$20,000 upon the ratification of this treaty; the south line of said tract to be ascertained by survey, at the cost of the United States.

ARTICLE 2.

The Senecas now confederated with the Shawnees, and owning an undivided half of a reservation in the Indian country immediately north of the Seneca reservation mentioned in the preceding article, cede to the United States one-half of said Seneca and Shawnee reserve, which it is mutually agreed shall be the north half, bounded on the east by the State of Missouri, north by the Quapaw reserve, west by the Neosho river, and south by an east and west line bisecting the present Seneca and Shawnee reserve into equal parts, the said line to be determined by survey, at the expense of the United States; for which tract of land, estimated to contain about 30,000 acres, the United States will pay the sum of \$24,000.

ARTICLE 3.

The Shawnees, heretofore confederated with the Senecas, cede to the United States that portion of their remaining lands, bounded as follows, beginning at a point where Spring river crosses the south line of the tract in the second article ceded to the United States, thence down said river to the south line of the Shawnee reserve, thence west to the Neosho river, thence up said river to the south line of the tract ceded in the second article, and thence east to the place of beginning; supposed to contain about 12,000 acres, the area to be ascertained by survey, at the expense of the United States; the United States to pay for the same at the rate of one dollar per acre, as soon as the area shall be ascertained.

ARTICLE 4.

The Quapaws cede to the United States that portion of their land lying in the State of Kansas, being a strip of land on the north line of their reservation, about one-half mile in width, and containing about twelve sections in all, excepting therefrom one half section to be patented to Samuel G. Vallier, including his improvements. Also the further tract within their present reserve, bounded as follows: Beginning at a point in the Neosho river where the south line of the Quapaw reserve strikes that stream, thence east three miles, thence north to the Kansas boundary line, thence west on said line to the Neosho river, thence down said river to the place of beginning; and the United States will pay to the Quapaws for the half mile strip lying in Kansas at the rate of one dollar and twenty-five cents per acre, whenever the area of the same shall be ascertained; and for the other tract described in this article at the rate of one dollar and fifteen cents per acre, whenever the area of the same shall be ascertained.

by survey, said survey to be made at the cost of the tribe to which said tract is herein provided to be sold; and the land in Kansas herein ceded shall be open to entry and settlement, the same as other public lands, within sixty days after the completion of the survey thereof.

PROVISIONS RELATING TO THE SENECA.

ARTICLE 5.

The Senecas now confederated with the Shawnees, the said Shawnees thereto consenting, agree to dissolve their connection with the said Shawnees, and to unite with the Senecas, parties to the treaty of February 28, 1831, upon their reservation described in article second of said treaty; and the several bands of Senecas will unite their funds into one common fund for the benefit of the whole tribe; and an equitable division shall be made of all funds or annuities now held in common by the Senecas and Shawnees.

ARTICLE 6.

Of the sum of \$24,000 to be paid to the Senecas, as provided in the second article, the sum of four thousand dollars shall be paid to them immediately after the ratification of this treaty, to enable them to re-establish their homes and provide themselves with agricultural implements, seed, and provisions for themselves and their families; and the balance of the said first-mentioned sum, being twenty thousand dollars, shall be consolidated with the twenty thousand dollars in the first article provided to be paid, and invested for the tribe of Senecas, as constituted by this treaty, at five per cent. interest, to be paid per capita semi-annually; and their annuity of five hundred dollars in specie, provided by article four of the treaty of Sept. 29, 1817, shall likewise become the common property of the tribe.

ARTICLE 7.

The amount annually due the Senecas under the provisions of article four of the treaty of February 28, 1831, for blacksmith, after their separation from the Shawnees, shall be annually paid to them as a national fund, to enable them to purchase such articles for their wants and improvements in agriculture as the chiefs, with the consent of their agent, may designate; and this provision shall apply also to the fund for support of a miller belonging to the Senecas heretofore occupying the southernmost reserve referred to in this treaty; and there shall be added to the said fund whatever amount belonging to either band of the Senecas shall be found due and unpaid upon an examination of their accounts with the government, and particularly the amount of bonds and stocks invested in their name; and the interest thereon shall be annually paid to the said Senecas for the purposes mentioned in this article.

PROVISIONS RELATING TO THE SHAWNEES.

ARTICLE 8.

Of the amount in the third article provided to be paid to the Shawnees by the United States for the lands therein ceded, the sum of two thousand dollars shall be advanced to them to be used in establishing their homes, and the balance of the said amount shall be invested for the said tribe, under the name of Eastern Shawnees, and five per cent. be paid semi-annually thereon; and the amount due and unpaid upon





ascertain the facts relating to all such cases, and upon a full examination of such report, and hearing of the parties interested, the said Secretary may confirm the said sales, or require an additional amount to be paid, or declare such sales entirely void, as the very right of the several cases may require.

PROVISIONS RELATING TO THE OTTAWAS.

ARTICLE 16.

The west part of the Shawnee reservation, ceded to the United States by the third article, is hereby sold to the Ottawas at \$1.00 per acre; and for the purpose of paying for said reservation the United States shall take the necessary amount, whenever the area of such land shall be found by actual survey, from the funds in the hands of the government arising from the sale of the Ottawa trust lands, as provided in the 9th article of the treaty of 1862, and the balance of said fund, after the payment of accounts provided for in article 5 of the treaty of 1862, shall be paid to the tribe per capita.

ARTICLE 17.

The provisions of the Ottawa treaty of 1862, under which all the tribe were to become citizens upon the 16th of July, 1867, are hereby extended for two years, or until July 16th, 1869; but at any time previous to that date any member of the tribe may appear before the U. S. district court for Kansas, and declare his intentions to become a citizen, when he shall receive a certificate of citizenship, which shall include his family, and thereafter be disconnected with the tribe, and shall be entitled to his proportion of the tribal fund; and all who shall not have made such declaration previous to the last-mentioned date, shall be still considered members of the tribe. In order to enable the tribe to dispose of their property in Kansas, and remove to their new homes and establish themselves thereon, patents in fee-simple shall be given to the heads of families, and to all who have come of age among the allottees under the treaties of 1862, so that they may sell their lands without restriction, but the said lands shall remain exempt from taxation so long as they may be retained by members of the tribe, down to the said 16th July, 1869; and the chiefs and council of the said tribe shall decide in the case of disputed heirship to real estate, taking as a rule the laws of inheritance of the State of Kansas.

ARTICLE 18.

The United States agree to pay such amount, not exceeding \$10,000, as may be found justly due to individual Ottawas, for depredations and damages upon their property during the late war, the proof of such losses to be furnished to the Secy. of the Interior, and such amount shall be paid as may be adjudged by him to be equitably due; and the claim of J. T. Jones, for which a bill of appropriation has passed one of the branches of Congress, but which has been withdrawn from before Congress, being for destruction by fire of his dwelling and other property by whites in 1856, shall be allowed and paid to him, amounting to \$6,700.

ARTICLE 19.

The 6th article of the treaty of 1862 shall remain unchanged, except as provided in this article. The children of the tribe between the ages of six and eighteen (6 and 18) shall be entitled to be received at said institution, and to be subsisted, clothed,

educated, and attended in sickness, where the sickness is of such a nature that the patient promises a return to study within a reasonable period; the children to be taught and practiced in industrial pursuits, suitable to their age and sex, and both sexes in such branches of learning, and to receive such advantages as the means of the institution will permit; these rights and privileges to continue so long as any children of the tribe shall present themselves for their exercise. And the Secretary of the Interior and the senior corresponding secretary of the American Baptist Home Mission Society shall be members ex officio of the board of trustees, with power to vote in person or by proxy, it being the special intention of this provision to furnish additional supervision of the institution, so that the provisions of this article may be carried into effect in their full spirit and intent.

ARTICLE 20.

It is further agreed that the remaining unsold portion of trust lands of the Ottawas, amounting to 7,221 ³⁰/₁₀₀ acres, shall be sold to the trustees of Ottawa University, to be disposed of for the benefit of said institution at the appraised value thereof, and that the said trustees shall have until July 16th, 1869, to dispose of the same and pay to the government the value of said lands: *Provided*, That the said trustees shall furnish, within 30 days after the ratification of this treaty, to the Secretary of the Interior, a satisfactory bond for the fulfillment of their obligations.

PROVISIONS RELATING TO THE PEORIAS, KASKASKIAS, WEAS, AND PIANKESHAW.

ARTICLE 21.

Whereas certain arrangements have been made by the chiefs of the confederated tribes of Peorias, Kaskaskias, Weas, and Piankeshaws, for the sale to actual settlers of the lands held by them in common, being 3 ¹/₂ sections, for a reasonable consideration, according to the terms of a certain petition of the said tribe, with schedule annexed, (which schedule is annexed to this treaty and marked "B₂") dated December 26th, 1866, filed in the office of the Commissioner of Indian Affairs, it is agreed that the said arrangements shall be carried into full effect, and the purchasers thereunder shall receive patents from the United States for the lands so purchased, upon making full payment for the same to the Secretary of the Interior, and the amount already paid by said purchasers, as appears from said schedule, and in the hands of the chiefs, shall be paid to the Secy. of the Interior, and the whole amount of the purchase money shall also be paid to the said Secy. on or before the 1st day of June, 1867, and shall be held by him for the benefit of the tribe, subject to the provisions of this treaty.

ARTICLE 22.

The land in the second and fourth articles of this treaty proposed to be purchased from the Senecas and Quapaws, and lying south of Kansas, is hereby granted and sold to the Peorias, &c., and shall be paid for at the rate paid for the same by the government, out of the proceeds of the nine and a half sections referred to in the last preceding article, adding thereto whatever may be necessary out of other moneys in the hands of the United States belonging to the said Peorias, &c.

ARTICLE 23.

The said Indians agree to dispose of their allotments in Kansas and remove to their new homes in the Indian country within two years from the ratification of this treaty; and to that end the Secretary of the Interior is authorized to remove altogether

the restrictions upon the sales of their lands, provided under authority of the 3d article of the treaty of May 30, 1854, in such manner that adult Indians may sell their own lands, and that the lands of minors and incompetents may be sold by the chiefs, with the consent of the agent, certified to the Secretary of the Interior and approved by him. And if there should be any allotments for which no owner or heir thereof survives, the chiefs may convey the same by deed, the purchase money thereof to be applied, under the direction of the Secretary, to the benefit of the tribe; and the guardianship of orphan children shall remain in the hands of the chiefs of the tribe, and the said chiefs shall have the exclusive right to determine who are members of the tribe, and entitled to be placed upon the pay-rolls.

ARTICLE 24.

An examination shall be made of the books of the Indian office, and an account current prepared, stating the condition of their funds, and the representations of the Indians for overcharges for sales of their lands in 1857-8 shall be examined, and if any amount is found to be due, such balance, together with the interest of their invested funds, shall be paid to them upon the 1st of July, 1867; and in order further to assist them in preparing for removal and in paying their debts, the further amount of \$25,000 shall be at the same time paid to them per capita from the sum of \$169,686 75, invested for said Indians under act of Congress of July 12, 1862; and the balance of said sum of \$169,686 75, together with the sum of \$98,000 now invested on behalf of the said Indians, in State stocks, of southern States, and the sum of \$3,700 00 being the balance of interest, at 5 per cent. per annum, on \$39,950 held by the United States from July, 1857, till vested in Kansas bonds in December, 1861, after crediting \$5,000 thereon heretofore receipted for by the chiefs of said Indians, shall be and remain as the permanent fund of the said tribe, and five per cent. be paid semi-annually thereon, per capita, to the tribe; and the interest due upon the sum of \$28,500 in Kansas bonds, and upon \$16,200 in U. S. stocks, now held for their benefit, shall be paid to the tribe semi-annually in two equal payments as a permanent school fund income: *Provided*, That there shall be taken from the said invested fund and paid to the said tribe, per capita, on the 1st of July, 1868, the sum of \$30,000 to assist them in establishing themselves upon their new homes; and at any time thereafter, when the chiefs shall represent to the satisfaction of the Secretary of the Interior that an additional sum is necessary, such sum may be taken from their invested fund: *And provided also*, That the said invested fund shall be subject to such division and diminution as may be found necessary in order to pay those who may become citizens their share of 650 lands of the tribe.

ARTICLE 25.

Whereas taxes have been levied by the authority of the State of Kansas upon lands allotted to members of the tribe, the right and justice of which taxation is not acknowledged by the Indians, and on which account they have suffered great vexation and expense, and which is now a matter in question in the Supreme Court of the United States, it is agreed that, in case that court shall decide such taxes unlawful, the government will take measures to secure the refunding of said taxes to such of the Indians as have paid them; and if such taxes are decided to be lawful, then the government will release the said lands from all taxes down to the date of any deeds approved by the Secretary of the Interior; in consideration of which relief to the Indians they hereby relinquish all right to payment from the government of any claims for damages to, and depredations upon, their property, made by parties who claim under such tax titles; and also all claim for damages on account of unfairness of the sales of their lands in 1857.

ARTICLE 26.

The Peorias, Kaskaskias, Weas, and Piankeshaws agree that the Miami^{es} may be confederated with them upon their new reservation, and own an undivided right in said reservation in proportion to the sum paid, upon the payment by the said Miami^{es} of an amount which, in proportion to the number of the Miami^{es} who shall join them, will be equal to their share of the purchase-money in this treaty provided to be paid for the land, and also upon the payment into the common fund of such amount as shall make them equal in annuities to the said Peorias, &c., the said privilege to remain open to the Miami^{es} two years from the ratification of this treaty.

ARTICLE 27.

The United States agree to pay the said Indians the sum of \$1,500 per year for six years for their blacksmith, and for necessary iron and steel and tools; in consideration of which payment the said tribe hereby relinquish all claims for damages and losses during the late war, and, at the end of the said six years, any tools or materials remaining shall be the property of the tribe.

ARTICLE 28.

Inasmuch as there may be those among them who may desire to remain in Kansas and become citizens of the United States, it is hereby provided that, within six months after the ratification of this treaty, a register shall be taken by the agent, which shall show the names separately of all who voluntarily desire to remove, and all who desire to remain and become citizens; and those who shall elect to remain may appear before the judge of the U. S. district court for Kansas and make declaration of their intention to become citizens, and take the oath to support the Constitution of the United States; and upon filing of a certificate of such declaration and oath in the office of the Commissioner of Indian Affairs they shall be entitled to receive the proportionate share of themselves and their children in the invested funds and other common property of the tribe; and therefrom they and their children shall become citizens, and have no further rights in the tribe; and all the females who are heads of families and single women of full age shall have the right to make such declaration and become disconnected from the tribe.

PROVISIONS RELATING TO THE MIAMIES.

ARTICLE 29.

It is agreed that such of the Miami^{es} now occupying lands in Kansas, under their treaty of Aug. 4, 1854, as desire to remain in that State and become citizens, may have the privilege of doing so; and that those who shall elect to remove to the new reservation herein provided to be purchased from the Senecas and Shawnees and sold to the Peorias, &c., may do so, and upon such removal shall become confederated with the said Peorias, and own an undivided right in said reservation in proportion to their numbers on paying to the U. S., for the benefit of said Peorias, a proportionate share of the purchase money and of the capital of their annuities as provided in article 26; and upon such payment for their share of the land, the amount so paid shall be held by the United States for such disposition as the chiefs of the Peorias, &c., shall designate; and a sufficient amount of the funds of the Miami^{es} who remove shall be set apart, so that the interest thereon, at 5 per cent., shall be equal in proportion to the numbers of the Miami^{es} removing, to the school fund income of the said Peorias, and upon such confederation the united tribe shall take the name of "Peorias and Miami^{es}."

ARTICLE 30.

The provisions of article 23 of this treaty, relating to the removal of restrictions from the alienation of land, and as to the conveyance of land in certain cases, made as to the Peorias, &c., shall apply also [to] the Miamies; and it is agreed that those who decide to remove shall do so within 2 years from the ratification of this treaty.

ARTICLE 31.

The reserved or common lands of the Miamies in the eastern part of Kansas, amounting to about 23,000 acres, shall be sold, for the benefit of the tribe, in the following manner: Whereas the said lands have heretofore been appraised under direction of the Secretary of the Interior, which appraisal is on file in that department, such appraisal shall be taken as the basis of the sale; and whereas the said tract of land is now occupied for the most part by white settlers, it is agreed that the said settlers shall have a pre-emption right to the lands which they occupy, in legal subdivisions, at the appraised value thereof; and immediately after the ratification of this treaty it shall be the duty of the Commissioner of Indian Affairs to give notice, by publication for 30 days in some newspaper in the county in which the said lands are situated, that payment for the same must be made at said appraised value, by the person who occupies the land at the date of the ratification of this treaty, within six months after the date of such ratification; and, if such payment shall be made, patents in fee-simple shall be issued to the purchasers; and after the said six months sealed bids, at not less than the appraised value, shall be received by the Commissioner of Indian Affairs for any of said lands remaining unpaid for, and awards made to the highest bidder for each until all of said lands are sold: *Provided*, That the Miamies shall not be held by this article as conceding any point in dispute relative to the validity of certain head-rights, sixty-eight in number, heretofore granted upon their reserve, and certain moneys taken from the Western Miamies and paid to said sixty-eight persons.

ARTICLE 32.

The United States agree to the same provision in regard to taxes levied upon their lands under authority of the State of Kansas as is set forth in the 25th article, in regard to the Peorias, &c., so far as relates to redeeming their lands from taxes, in case such taxes are decided to have been lawfully levied.

ARTICLE 33.

A register shall be made by the agent of the tribe, within six months after the ratification of this treaty, of all who shall desire to remove, and all who desire to remain, and the provisions of article 28, in relation to the Peorias, &c., shall also apply to the Miamies.

ARTICLE 34.

In order that those who desire to remove may make preparations for the purpose, the sum of \$13,000 of the amount due the Miamies under article 3d of the treaty of 1854, shall be paid to them, per capita, within thirty days, and the additional sum of \$10,000 in ninety days after the ratification of this treaty; and upon the return of the register showing the names and number of those respectively who intend to retain their

tribal condition and of those who will become citizens, an account shall be made of the amount due by the government to the tribe, and the share belonging to that portion who desire to become citizens shall be reserved to be paid to the parties entitled thereto; and, in making such account, their mill and blacksmith and other annuities shall be reduced to their actual cash present value; and after the reservation of the amount for those who become citizens, there shall be taken from the remaining moneys the amount necessary to pay for the share in the land purchased of the Peorias, &c., and the amount necessary to be capitalized as a permanent fund to make them equal in annuities to the Peorias, &c., and the balance, together with the share of the removing party derived from the sale of their lands, as fast as the same is received, shall be invested in 7-30 U. S. bonds, maturing or convertible at the earliest date, and the interest upon the same shall be collected and paid to the Miamies, per capita, semi-annually at their new homes; and the share of the citizen Miamies in the proceeds of the lands shall be paid to the heads of families for their families, or to single persons, as the case may be, annually, until all the lands are sold.

ARTICLE 35.

The school section upon the Miami reserve, now unimproved, shall be patented in fee-simple to the chiefs, Thomas Metosenyah and Big Leg, upon such division thereof as they may agree upon between themselves, upon notification of the said division to the Secretary of the Interior through the agent: *Provided*, That the portion of said school section, not exceeding 4 acres, heretofore used as a burial ground, shall be perpetually reserved for such purpose.

ARTICLE 36.

An investigation shall be made by the Secretary of the Interior into all claims presented on account of damages committed by whites upon the lands of the Indians and for losses of stock and other property, and a report shall be made thereon to Congress, recommending such action as shall appear just and equitable.

ARTICLE 37.

The provisions of this treaty shall apply exclusively for the use and benefit of the Western Miamies; and an examination shall be made as to the claims of certain Eel River Miamies now resident among the Western Miamies, and such amounts as may have been withheld from them shall be refunded, and hereafter their annuities shall be paid to them among the Western Miamies, where they live.

ARTICLE 38.

The United States agree that agency buildings shall be erected, in as central a position as possible, for the tribes interested in this treaty, at a cost not to exceed \$8,000, in place of those of the Neosho agency, destroyed during the late war.

ARTICLE 39.

All necessary arrangements contemplated in this treaty, in regard to the transfer of invested funds from one tribe to another, or the disposal of securities belonging to one

tribe in favor of another, or capitalization of annuities and other funds, where the same are or may be in the hands of the government, shall be made by the Secretary of the Interior in such manner as shall fully carry into effect the spirit and meaning of this treaty; and where appropriations are needed from Congress in order to carry into effect these stipulations, it shall be his duty to make report in relation to the same to Congress at the earliest day practicable after the ratification of this treaty.

ARTICLE 40.

If any amendments shall be made to this treaty by the Senate, it shall only be necessary to submit the same for the assent of the particular tribe or tribes interested; and should any such amendments be made, and the assent of the tribe or tribes interested not be obtained, the remainder of the treaty not affected by such amendment shall nevertheless take effect and be in force.

ARTICLE 41.

The expenses of negotiating this treaty, not exceeding \$42,000, shall be paid by the United States.

In testimony whereof, the before-named commissioners on behalf of the United States, and the before-named delegates on behalf of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas and Piankeshaws, Miami, Ottawas, and Wyandottes, have herunto set our hands and seals the day and year first above written.

LEWIS V. BOGY, [SEAL]
Commissioner of Indian Affairs.

W. H. WATSON, [SEAL]
Special Commissioner.

THOS. MURPHY, [SEAL]
Supt of Indian Affairs.

G. C. SNOW, [SEAL]
U. S. Ind. Ag't, Neosho Agency.

G. A. COLTON, [SEAL]
U. S. Ind. Ag't for Miami, Peorias, &c.

GEORGE SPICER, his x mark, [SEAL]
JOHN MUSH, his x mark, [SEAL]
Senecas.

JOHN WHITTREE, his x mark, [SEAL]
JOHN YOUNG, his x mark, [SEAL]
LEWIS DAVIS, his x mark, [SEAL]
Senecas and Shawnees.

S. G. VALIER, [SEAL]
KA-SHE-CAH, his x mark, [SEAL]
Quapaws.

BAPTISTE PEORIA, his x mark, [SEAL]
JOHN MITCHELL, his x mark, [SEAL]
EDWARD BLACK, [SEAL]
Peorias, &c.

THOMAS METOSEN YAH,	his X mark,	[1800.]
THOS. F. RICHARDVILLE,		[1800.]
<i>Minnes.</i>		
JOHN WILSON,	his X mark,	[1800.]
J. T. JONES,		[1800.]
<i>Ottawa.</i>		
TAUROMEE,	his X mark,	[1800.]
JOHN KARAHIO,	his X mark,	[1800.]
<i>Wyandottas.</i>		

10. *Witnesses.*

FRANK VALLI, his X mark,
C. S. Interpreter for Ojibw. River Agency.
 JOHN B. ROUBIDEAU, his X mark,
C. S. Interpreter for Minnes.
 WM. HERR,
Interpreter for Ottawas.
 GEO. WRIGHT,
Interpreter for Wyandottas.
 ARTHUR GUTHRIE,
 GEORGE B. JONES,
 THOS. E. MCGRAW,
 LEWIS S. HAYDEN,
 CHARLES SIMS,
 R. McBRIDE.

Witnesses to signature of Lewis Davis:

G. L. YOUNG,
 G. C. SNOW,
C. S. Ind. Agent.

A.

Summaries showing the several items claimed by the Wyandottas under the provisions of the 11th article of the foregoing treaty.

1. Amenity due under the 6th article of the treaty of January, 31, 1855.....	84,750 00
2. Amount discounted on \$5,594 53 in State bonds on the 15th of May, 1860.....	15,187 00
3. Interest on the above \$15,187 00 [815,187 00] from May 15th, 1860, to February 24, 1867, at 5 per cent.....	6,150 87
4. Amount discounted on \$53,000 in State bonds, March 24, 1860.....	11,130 00
5. Interest on the above \$11,130 from March 24, 1860, to February 24, 1867.....	4,618 95
6. Moneys heretofore appropriated in fulfillment of treaty stipulations, but transferred to the surplus fund.....	3,435 45
7. Amount for depredations on Wyandotte property, claim approved by Secretary of the Interior March 21st, 1862.....	34,342 50
Total amount.....	\$83,814 40

The above named total sum is designed to represent the full claim of the Wyandottas against the United States under former treaties.

The 1st, 2d, and 4th items, together with another named in the 11th article of the foregoing treaty, were examined and approved by the House Committee on Indian Affairs, and their payment recommended—(See Congressional Globe, page 1037, part 2d, 2d session of 38th Congress.)

The 3d and 5th items constitute the interest on the moneys discounted on the bonds mentioned in items 2 and 4. Although the committee did not recommend the payment of this interest, they acknowledged its justice, but said that its allowance would possibly endanger the passage of the appropriation, as the general feeling was averse to paying interest on claims.

The 7th item embraces several small amounts for schools, blacksmith, &c., which were due and appropriated at the date of the treaty, but not paid, and were afterwards transferred to the surplus fund.

The 8th item is for depredations on Wyandotte property during the Kansas troubles and the entire emigration to California. It was examined and approved by the Secretary of the Interior, March 21, 1862.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the eighth day of June, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the said treaty and amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

June 18, 1868.

Resolved, (unanimously, at the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement concluded at Washington, D. C., the 23d day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs, George C. Snow and G. A. Colton, U. S. Indian Agents, duly authorized, and the Senecas, represented by George Spieer and John Mush, the mixed Senecas and Shawnees, by John Whitetree, John Young, and Lewis Davis, the Quapaws, by S. G. Vallier and Kan-zhe-rah, the confederated Peorias, Kaskaskias, Weas, and Pianke-shaws, by Baptiste Peoria, John Mitchell, and Edward Black, and the Ottawas of Blanchard's Fork and Roche de Boeuf, by John White and J. T. Jones, and including certain Wyandott[e]s, represented by Taurance, or John Hat, and John Karaho, with the following

AMENDMENTS:

Article 4. Strike out the following words: "and the land in Kansas herein ceded shall be open to entry and settlement the same as other public lands within sixty days after the completion of the surveys thereof;" and insert in lieu thereof: *under the pre-emption laws of the United States; but all such pre-emption shall be paid in the money of the United States, at the proper land office, within one year from the date of entry and settlement.*

Article 12.—Strike out the following words: "the government being under obligations to protect them, but for the time unable to do so."

Same article.—Strike out the following words: "upon such report, make such awards as he may deem equitable and just; and upon such award the United States will pay the claimants the amounts declared to be due: Provided, That the sums so paid shall not exceed thirty-five thousand dollars for the Senecas, twenty-five thousand dollars for the Shawnees, and thirty thousand dollars for the Quapaws; and if the awards shall exceed such amounts in either case, the claimants shall be paid pro rata from the amount appropriated;" and insert in lieu thereof: *except the same to Congress.*

Article 13. Strike out the following words: "and in order to reorganize and provide for the Wyandott[e]s, many of whom have been in a disorganized and unfortunate condition since their treaty of 1855, it is provided that there shall be recognized as due and paid to the Wyandott[e]s of all classes the sum of eighty-three thousand eight hundred and fourteen dollars and forty cents, as more particularly stated and described in the schedule annexed to this treaty marked 'A,'" and insert in lieu thereof: *and the Secretary of the Interior is hereby authorized and required to appoint three persons whose duty it shall be to ascertain and report to the Department the amount of money, if any, due by the United States to the Wyandott[e] Indians under existing treaty stipulations, and the items mentioned in schedule A, appended to this treaty, and the report of the persons so appointed, with the evidence taken, shall be submitted to Congress for action at its next session.*

Article 14.—Strike out the following words: “and the United States further agree to pay to the said Wyandott[e]s the sum of \$11,727.74, being the amount of taxes levied under the authority of the State of Kansas, contrary to the terms of the treaty of 1855, previous to the organization of the State government and for five years thereafter, in consideration of which the said Wyandott[e]s, receiving their portion of the said sum, shall in each case relinquish in writing by themselves, or through the Delaware agent as their guardian, all further claims against the United States as to matters relating to the said taxes.”

Article 18.—Strike out the following words: “such amount, not exceeding \$10,000, as may be found justly due to individual Ottawas, for depredations and damages upon their property during the late war, the proof of such losses to be furnished to the Secretary of the Interior, and such amount shall be paid as may be adjudged by him to be equitably due; and.”

Article 24.—Strike out the following words: “and if any amount is found to be due, such balance, together with the interest of their invested funds, shall be paid to them upon the 1st of July, 1867;” and insert in lieu thereof: *and reported to Congress.*

Article 25.—Strike out the following words: “and if such taxes are decided to be lawful, then the government will redeem the said lands from all taxes, down to the date of any deeds approved by the Secretary of the Interior; in consideration of which relief to the Indians, they hereby relinquish all right to payment from the government of any claims for damages to and depredations upon their property, made by parties who claim under such tax titles, and also all claims for damages on account of unfairness of the sales of their lands in 1857.”

Strike out the whole of articles 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 41.

Strike out schedule A.

Attest:

GEO. C. GORHAM,

Secretary.

And whereas the foregoing amendments having been fully explained and interpreted to the duly authorized Chiefs, Delegates, and Headmen of the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blanchard's Fork and Roche de Boenf, and certain Wyandottes, they did respectively, on the first, seventh, eighth, and fifteenth days of September, one thousand eight hundred and sixty-eight, give their free and voluntary assent to the said amendments in a writing, which, after relating the aforesaid action of the Senate, reciting its said proposed amendments, and repeating the provisions of the fortieth article of the said Treaty, concludes in the words and figures following, to wit:

Whereas the foregoing amendments to said Treaty, made by the Senate of the United States in executive session on the 18th of June, 1868, have been fully interpreted and explained to the undersigned severally representing the Senecas, mixed Senecas and Shawnees, Quapaws, confederated Peorias, Kaskaskias, Weas, and Piankeshaws, Ottawas of Blanchard's Fork and Roche de Boenf, and the Wyandott[e]s, parties to said Treaty, being duly authorized by their respective tribes therunto, [they] do hereby agree to and ratify said amendments in which their tribes are respectively interested.

Done at Neosho Agency, Shawnee Nation, this seventh day of September, A. D. eighteen hundred and sixty-eight.

GEORGE SPICER, *Chief and Delegate*, his x mark. [SEAL.]

JOHN MUSH, *Delegate*, his x mark. [SEAL.]

JOSEPH SPICER, *Councillor*, his x mark. [SEAL.]

For the Senecas.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
JAS. WHITECROW, *U. S. Interpreter.*
JAMES H. EMBRY.

JOHN WHITETREE, his x mark. [SEAL.]
JOHN YOUNG, his x mark. [SEAL.]
ALFRED McDANIEL, his x mark. [SEAL.]
WILLIAM JACKSON, his x mark. [SEAL.]

For the mixed Senecas and Shawnees.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
JAS. WHITECROW, *U. S. Interpreter.*
GEO. WRIGHT, *Interpreter.*
LAZARUS FLINT, *Interpreter.*
JAMES H. EMBRY.

S. G. VALIER, *Interpreter and Deput.* [SEAL.]
KA-SHE-CAH, his x mark. [SEAL.]
CAH-HIC-CAH-TEDAY, his x mark. [SEAL.]
GEORGE LANE, his x mark. [SEAL.]

For the Quappaws.

Signed in presence of

GEO. MITCHELL, *S. I. Agt.*
LAZARUS FLINT.
JAMES H. EMBRY.

Done at Neosho Agency, Shawnee Nation, this 8th September, 1868.

BAPTISTE PEORIA, *Head Chief of Peorias, &c.*, his x mark. [SEAL.]
EDWARD BLACK, [SEAL.]
YELLOW BEAVER, his x mark. [SEAL.]

For the confederated Peorias, &c.

Signed in presence of

FRANK VALLE, his x mark, *U. S. Int.*
G. A. COLTON, *Agent.*
JAMES H. EMBRY.

Done at Ottawa, Kansas, this first day of September, eighteen hundred and sixty-eight.

JOHN WILSON, his x mark, [SEAL.]
J. T. JONES, [SEAL.]

For the Ottawas of Blanchard's Fork and Roche de Bouf.

Signed in presence of

WILLIAM HERR, *U. S. Interpreter for Ottawas.*
ALBERT WILEY, *Agent for Ottawas.*
JAMES H. EMBRY, *Special Agent.*

Done under Wyandottow, Kanage, at the fifth day of September, eighteen hundred and sixty-eight.

TAUROMEE,	his x mark.	[SEAL.]
JOHN KARAHIO,	his x mark.	[SEAL.]
JACOB WHITECROW,	his x mark.	[SEAL.]
SILAS M. GREYEYES,	his x mark.	[SEAL.]
JOHN W. GREYEYES,		[SEAL.]

For the Wyandottow.

Signed in presence of

CUBO, WRIGHT, *Interpreter for Wyandottow.*
 JAMES H. EMBRY, *Special Agent.*
 J. P. ROOT.
 J. S. STORTON.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the eighteenth of June, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty, with the amendments, as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this fourteenth day of October, in the year of [SEAL] our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

361,271

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T R E A T Y

B E T W E E N

THE UNITED STATES OF AMERICA

A N D T H E

POTTAWATOMIE TRIBE OF INDIANS.

CONCLUDED FEBRUARY 27, 1867.

RATIFICATION ADVISED, WITH AMENDMENTS, JULY 25, 1868.

AMENDMENTS ACCEPTED AUGUST 4, 1868.

PROCLAIMED AUGUST 7, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at the city of Washington, in the District of Columbia, on the twenty-seventh day of February, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, W. H. Watson, Thomas Murphy, and L. R. Palmer, commissioners on the part of the United States, and Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and George L. Young, of the Pottawatomie tribe of Indians, and duly authorized thereto by them, which treaty is in the words and figures following, to wit:

Articles of agreement concluded at Washington, D. C., on the twenty-seventh day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, special commissioner, Thos. Murphy, sup't of Indian affairs for Kansas, and Luther R. Palmer, U. S. Indian agent, duly authorized, and the Pottawatomie tribe of Indians, represented by their chiefs, braves and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young.

Whereas the Pottawatomies believe that it is for the interest of their tribe that a home should be secured for them in the "Indian country" south of Kansas, while there is yet an opportunity for the selection of a suitable reservation; and whereas the tribe has the means of purchasing such reservation from funds due and to become due under the provisions of previous treaties, without interfering with the exclusive rights of those of their people who hold their lands in common: Now, therefore, it is agreed—

ARTICLE 1.

It being the intention of the government that a commission shall visit the Indian country as soon as practicable after the ratification of the treaties contemplating the removal of certain tribes from Kansas, accompanied by delegates from the several tribes proposing to remove, it is agreed that a delegation of the Pottawatomies may accompany said commission in order to select, if possible, a suitable location for their people without interfering with the locations made for other Indians; and if such location shall be found satisfactory to the Pottawatomies,

and approved by the Secretary of the Interior, such tract of land, not exceeding 30 miles square, shall be set apart as a reservation for the exclusive use and occupancy of that tribe; and upon the survey of its lines and boundaries, and ascertaining of its area, and payment to the United States for the same, as herein-after mentioned and set forth, the said tract shall be patented to the Pottowattomie nation; *Provided*, That if the said Pottowattomies shall prefer to select a new home among the Cherokees, by agreement with the said Cherokees for a price within the means of the Pottowattomies, the government will confirm such agreement.

ARTICLE 2.

In case the new reservation shall be selected upon the lands purchased by the government from the Creeks, Seminoles, or Choctaws, the price to be paid for the said reservation shall not exceed the cost of the same to the government of the United States; and the sum to be paid by the tribe for said reservation shall be taken from the amount provided to be paid by the Leavenworth, Pawnee and Western Railroad Company for the lands sold to them under the treaty of 1861, which amount is the common property of the tribe: *Provided*, That if the United States shall advance the amount necessary to purchase the new reservation, the interest due upon the deferred payments for the land sold to the Leavenworth, Pawnee, and Western Railroad Company shall, when received, be retained by the United States, and credited to the tribe in payment for said reservation.

ARTICLE 3.

After such reservation shall have been selected and set apart for the Pottowattomies, it shall never be included within the jurisdiction of any State or Territory, unless an Indian territory shall be organized, as provided for in certain treaties made in 1866 with the Choctaws and other tribes occupying the "Indian country;" in which case, or in case of the organization of a legislative council or other body, for the regulation of matters affecting the relations of the tribes to each other, the Pottowattomies resident thereon shall have the right of representation, according to their numbers, on equal terms with the other tribes.

ARTICLE 4.

A register shall be made, under the direction of the agent, and the business committee of the tribe, within two years after the ratification of this treaty, which shall show the names of all members of the tribe who declare their desire to remove to the new reservation, and of all who desire to remain and to become citizens of the United States; and after the filing of such register in the office of the Commissioner of Indian Affairs all existing restrictions shall be removed from the sale and alienation of lands by adults who shall have declared their intention to remove to the new reservation: But, *provided*, That no person shall be allowed to receive to his own use the avails of the sale of his land, unless he shall have received the certificate of the agent and business committee that he is fully competent to manage his own affairs; nor shall any person also be allowed to sell and receive the proceeds of the sale of the lands belonging to his family, unless the certificate of the agent and business committee shall declare him competent to take the charge of their property; but such persons may negotiate for the sales of their property and that of their families, and any contracts for sales so made, if certified by the agent and business committee to be at reasonable rates, shall be confirmed by the Secretary of the Interior, and patents shall issue to the purchaser upon full payment; and all payments for such land shall be made to the agent, and

the funds by him deposited on the 1st of each month in some government depository to be designated by the Secretary of the Treasury, and triplicate certificates of deposit taken therefor, one to be forwarded to the Commissioner of Indian Affairs, one to be retained at the agency, and the third to be sent to the superintendent of Indian affairs for Kansas; after which deposit the United States will be responsible for said funds until drawn out for use as hereinafter provided, and the bonds of the agent shall be increased to a sufficient amount to cover his increased liabilities under this section.

ARTICLE 5.

The moneys received and deposited as provided in the preceding article shall be retained until the party on whose behalf it is held shall be ready to remove to the new reservation, and shall then, or such part thereof as may from time to time be necessary, be drawn out, under the direction of the Commissioner of Indian Affairs, by the agent, and expended for the benefit of the owner in providing for his removal and that of his family to the new reservation, and in such articles and for such uses as may, with the advice of the business committee, be deemed for his best interest at his new home.

ARTICLE 6.

The provisions of article third of the treaty of April 19, 1862, relative to Pottowatomies who desire to become citizens, shall continue in force, with the additional provision that, before patents shall issue and full payments be made to such persons, a certificate shall be necessary from the agent and business committee that the applicant is competent to manage his own affairs; and when computation is made to ascertain the amount of the funds of the tribe to which such applicants are entitled, the amounts invested in the new reservation provided for in the treaty shall not be taken into account; and where any member of the tribe shall become a citizen under the provisions of the said treaty of 1862, the families of said parties shall also be considered as citizens, and the head of the family shall be entitled to patents and the proportional share of funds belonging to his family; and women who are also heads of families, and single women of adult age, may become citizens in the same manner as males.

ARTICLE 7.

If at the end of five years from the ratification of this treaty there shall remain any of the Pottowatomies in Kansas who, having been registered as desiring to become citizens and remain in Kansas, shall not have obtained the certificate herein provided for and perfected their citizenship, the land still held by them shall be sold, under the direction of the Commissioner of Indian Affairs, with the improvements, if any, thereon; and such persons shall be required to remove to the new reservation of their tribe, and the proceeds of the sale of their land and improvements shall be used for the expense of removing such Indians to their new home, and for their benefit after their arrival thereat.

ARTICLE 8.

Where allottees under the treaty of 1862 shall have died, or shall hereafter de cease, if any dispute shall arise in regard to heirship to their property, it shall be competent for the business committee to decide such question, taking for their rule of action the laws of inheritance of the State of Kansas; and in cases where

there are children of allottees left orphans, guardians for such orphans may be appointed by the business committee of the tribe, who shall give bonds, to be approved by the agent or superintendent, for the faithful management of the property of such orphans until their arrival at their majority.

ARTICLE 9.

It is agreed that an examination shall be made of the books of the Indian Office in order to ascertain what amount is justly due to the Pottowatomies under the provisions of their treaties of 1818 and 1829, providing for the payment of their annuities in coin, whereas they have been paid for several years in currency; and the result of such examination shall be reported to Congress, and the difference in amount due to said Indians shall be paid to them.

ARTICLE 10.

It is further agreed that upon the presentation to the Department of the Interior of the claims of said tribe for depredations committed by others upon their stock, timber, or other property, accompanied by evidence thereof, examination and report shall be made to Congress of the amount found to be equitably due, in order that such action may be taken as shall be just in the premises; and it is further agreed that the sum of \$164,584, reported by the Secretary of the Interior on the 19th day of December, 1862, in pursuance of an act of Congress approved March 2d, 1861, and recommended to be paid, shall be paid to said tribe, to be expended or invested as may be directed by the business committee of the tribe, for the benefit of said tribe: *Provided*, That this last provision shall be of none effect if said amount shall, within one year, be appropriated under direct action by Congress without reference to this treaty.

ARTICLE 11.

The half sections of land heretofore set apart for the mission schools, to wit, those of the St. Mary's Mission, and the American Baptist Mission, shall be granted in fee simple, the former to John F. Diels, John Schoenmaker and M. Gilland, and the latter to such party as the American Baptist Board of Missions shall designate.

ARTICLE 12.

No provisions of this treaty shall be held to apply in such manner as to authorize any interference with the exclusive rights in their own lands of those members of the tribe who hold their lands in common; but such Indians shall be entitled to their share in the ownership of the new reservation; and it shall not be necessary at any future time to treat with the representatives of the whole people for a cession of the lands of those who hold in common, but special treaty arrangements may be made at any time with the class of persons last named for the sale of their lands, and the disposition to be made of the proceeds thereof.

ARTICLE 13.

All provisions of former treaties inconsistent with the provisions of this treaty shall be hereafter null and void.

ARTICLE 14.

The expenses of negotiating this treaty shall be paid by the United States, not to exceed \$6,000.

In testimony whereof, the aforementioned commissioners on behalf of the United States, and on behalf of the Pottowatomies the aforementioned chiefs, braves and headmen, have hereunto set their hands and seals the day and year first above mentioned.

LEWIS V. BOGY,	
<i>Commissioner of Indian Affairs.</i>	
W. H. WATSON,	[SEAL.]
<i>Special Commissioner.</i>	
THOS. MURPHY,	[SEAL.]
<i>Supt. of Indian Affairs.</i>	
L. R. PALMER,	[SEAL.]
<i>U. S. Indian Agent.</i>	
MAZHEE, his + mark.	[SEAL.]
MIANCO, his + mark.	[SEAL.]
SHAWGWE, his + mark.	[SEAL.]
B. H. BERTRAND,	[SEAL.]
J. N. BOURASSA,	[SEAL.]
M. B. BEAUBIEN,	[SEAL.]
L. H. OGEE	[SEAL.]
GEORGE L. YOUNG.	[SEAL.]

In presence of—

J. N. BOURASSA, *U. S. Int.*
 LEWIS S. HAYDEN.
 H. W. FARNSWORTH.
 VITAL JARROT.
 W. R. IRWIN.

And whereas the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, with amendments, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the articles of agreement concluded at Washington, D. C., on the twenty-seventh day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, Special Commissioner, Thomas Murphy, Superintendent of Indian Affairs for Kansas, and Luther R. Palmer, United States Indian Agent, duly authorized, and the Pottowattomic tribe of Indians, represented by their chiefs, braves, and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young, with the following

AMENDMENTS:

Strike out the preamble, and insert in lieu thereof as follows:

Whereas the Pottowatomies believe that it is for the interest of their tribe that a home should be secured for them in the Indian country south of Kansas, while there is yet an opportunity for the selection of a suitable reservation; and whereas the tribe

has the means of purchasing such reservation from funds to arise from the sale of lands under the provisions of this treaty, without interfering with the exclusive rights of those of their people who hold their lands in common to the ownership of their diminished reserve, held by them in common, or with their right to receive their just proportion of the moneys arising from the sale of unallotted lands, known as surplus lands: Now, therefore, it is agreed—

Strike out Article 2, and insert in lieu thereof as follows:

In case the new reservation shall be selected upon the lands purchased by the government from the Creeks, Seminoles, or Choctaws, the price to be paid for said reservation shall not exceed the cost of the same to the government of the United States; and the sum to be paid by the tribe for said reservation shall be taken from the amount which may be received for the lands which were offered for sale to the Leavenworth, Pawnee and Western Railroad Company, under the treaty dated November 15, 1861, which amount shall be the common property of the tribe, except the Prairie band, who shall have no interest in said reservation, to be purchased as aforesaid, but in lieu thereof shall receive their pro rata share of the proceeds of the sale of said land in money, as the same may be received: Provided, That if the United States shall advance the amount necessary to purchase the said reservation, the interest due upon the deferred payments for said lands, sold as hereinafter provided, shall, when received by the United States, be retained and credited to said tribe interested in said reservation, or so much of said interest as may be due said tribe under this treaty: And provided further, That the Leavenworth, Pawnee and Western Railroad Company, their successors and assigns, having failed to purchase said lands, the Atchison, Topeka and Santa Fé Railroad Company may, within thirty days after the promulgation of this treaty, purchase of the said Potawatamies their said unallotted lands, except as hereinafter provided, to St. Mary's mission, at the price of one dollar per acre, lawful money of the United States, and upon filing their bond for the purchase and payment of said lands in due form, to be approved by the Secretary of the Interior within the time above named, the said Secretary of the Interior shall issue to the last-named railroad company certificates of purchase, and such certificates of purchase shall be deemed and holden, in all courts, as evidence of title and possession in the said railroad company to all or any part of said lands, unless the same shall be forfeited as herein provided. The said purchase money shall be paid to the Secretary of the Interior in trust for said Indians within five years from the date of such purchase, with interest at the rate of six per cent. per annum on all deferred payments, until the whole purchase money shall have been paid; and before any patents shall issue for any part of said lands, one hundred thousand dollars shall be deposited with the Secretary of the Interior, to be forfeited in case the whole of the lands are not paid for as herein provided; (said money may be applied as the payment for the last one hundred thousand acres of said land;) payments shall also be made for at least one fourth of said unallotted lands at the rate of one dollar per acre, and when so paid the President is authorized hereby to issue patents for the land so paid for; and then for every additional part of said land upon the payment of one dollar per acre. The interest on said purchase money shall be paid annually to the Secretary of the Interior for the use of said Indians. If the said company shall fail to pay the principal when the same shall become due, or to pay all or any part of the interest upon such purchase money within thirty (30) days after the time when such payment of interest shall fall due, then this contract shall be deemed and held absolutely null and void, and cease to be binding upon either of the parties thereto, and said company and its assigns shall forfeit all payments of principal and interest made on such purchase, and all right and title, legal and equitable, of any kind whatsoever, in and to all and every part of said lands which shall not have been, before the date of such forfeiture, paid for as herein provided; Provided, however, That in case any of said lands have been conveyed to bona fide purchasers by said

Atchison, Topeka and Santa Fé Railroad Company, such purchasers shall be entitled to patents for said land so purchased by them upon the payment of one dollar and twenty-five cents per acre therefor, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Strike out all of Article 7.

Strike out all of Article 8. and insert in lieu thereof as follows:

Where allottees under the treaty of 1861 shall have died, or shall hereafter de cease, such allottees shall be regarded, for the purpose of a careful and just settlement of their estates, as citizens of the United States, and of the State of Kansas, and it shall be competent for the proper courts to take charge of the settlement of their estates under all the forms and in accordance with the laws of the State, as in the case of other citizens deceased; and in cases where there are children of allottees left orphans, guardians for such orphans may be appointed by the probate court of the county in which such orphans may reside, and such guardians shall give bonds, to be approved by the said court, for the proper care of the person and estate of such orphans, as provided by law.

ARTICLE 10.

Strike out the following words: "And it is further agreed that the sum of \$164,584, reported by the Secretary of the Interior on the 19th day of December, 1862, in pursuance of an act of Congress approved March 2, 1861, and recommended to be paid, shall be paid to said tribe, to be expended or invested as may be directed by the business committee of the tribe for the benefit of said tribe: *Provided*, That this last provision shall be of none effect if said amount shall within one year be appropriated under direction by Congress without reference to this treaty;" and insert in lieu thereof the following words:

*And it is further agreed that the claims of the Pottawatomie heretofore examined and reported on by the Secretary of the Interior under the act of Congress of March 2, 1861, shall be submitted to two commissioners, to be named by the President of the United States, for examination, and said commissioners, after being sworn impartially to decide on said claims, shall make report of their judgment in the premises, together with the evidence taken, to the Secretary of the Interior, and the same shall be communicated to Congress at its next session: *Provided*, That no part of the money reported due by the said commissioners shall be paid until the same shall be appropriated by Congress.*

At the end of Article 11 insert the following words:

And the said John F. Deits, John Shoemaker, and M. Gillaul shall have the right to purchase in a compact body ten hundred and thirteen 54-100 acres of the unallotted lands at the price of one dollar per acre, to be paid to the Secretary of the Interior, for the use of said tribe, and when the consideration shall be paid as aforesaid the President shall issue patents to said purchasers therefor; and in selecting said 1,013 54-100 acres, said purchasers shall have the preference over all other parties.

Attest:

GEO. C. GORHAM,
Secretary,

By W. J. McDONALD.

And whereas the foregoing amendments having been fully explained and interpreted to B. H. Bertrand, a delegate of said Pottawatomie tribe of Indians, duly authorized to act as such, and also to represent the Indians parties to said treaty, he did, on the fourth day of August, one thousand eight hundred and sixty-eight, in behalf of said Indians, give his free and voluntary assent to the said amendments, in the words and figures following, to wit:

Whereas the Senate of the United States did, on the twenty-fifth day of July, eighteen hundred and sixty-eight, advise and consent to the ratification of the articles of agreement concluded at Washington, D. C., on the twenty-seventh day of February, 1867, between the United States, represented by Lewis V. Bogy, Commissioner of Indian Affairs, W. H. Watson, special commissioner, Thomas Murphy, superintendent of Indian affairs for Kansas, and Luther R. Palmer, United States Indian agent, duly authorized, and the Pottawattomie tribe of Indians, represented by their chiefs, braves, and headmen, to wit: Mazhee, Mianco, Shawgwe, B. H. Bertrand, J. N. Bourassa, M. B. Beaubien, L. H. Ogee, and G. L. Young, with certain amendments, as set forth in the resolution of the Senate, dated July 25th, 1868, and hereto annexed; and whereas said amendments have been explained to me, and are fully understood by me: Now, therefore, I, Benjamin H. Bertrand, delegate of said Pottowatomie tribe of Indians, duly authorized to act as such, and also to represent the Indians parties to said treaty, do, for myself, as delegate as aforesaid, and as the authorized representative of the other delegates, who are at present authorized to represent the Pottowatomie tribe of Indians, hereby assent and agree to the said amendments as given in said Senate resolution.

Witness my hand and seal this fourth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, at Washington, D. C.

B. H. BERTRAND. [SEAL.]

For himself as delegate, and representing—

MAZHEE,
HALF DAY,
A. F. NAVARRE,
G. L. YOUNG,
J. N. BOURASSA.

Signed in presence of—

L. R. PALMER, *U. S. Ind. Agent.*
W. W. ROSS.
W. R. IRWIN.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendments, as aforesaid.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this seventh day of August, in the year of [SEAL.] our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER,
Acting Secretary of State.

TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
CHIPPEWA INDIANS OF THE MISSISSIPPI.

CONCLUDED MARCH 19, 1867.

RATIFICATION ADVISED, WITH AMENDMENT, APRIL 8, 1867.

AMENDMENT ACCEPTED APRIL 8, 1867.

PROCLAIMED APRIL 18, 1867.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the nineteenth day of March, in the year of our Lord one thousand eight hundred and sixty-seven, by and between Lewis V. Bogy, William H. Watson, and Joel B. Bassett, Commissioners, on the part of the United States, and Que-we-Zance, or Hole in the Day, Qui-we-shen-shish, and other Chiefs and Headmen of the Chippewa Indians of the Mississippi, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of agreement made and concluded at Washington, D. C., this 19th day of March, A. D. 1867, between the United States represented by Lewis V. Bogy, special commissioner thereto appointed, William H. Watson, and Joel B. Bassett, United States Indian agent, and the Chippewas of the Mississippi, represented by Que-we-zance, or Hole-in-the-Day, Qui-we-shen-shish, Wan-hon-a-quot, Mine-e-do-wob, Mi-jaw-ke-ke-shik, Shob-osh-kunk, Ka-gway-dosh, Me-no-ke-shick, Way-na-mee, and O-gub-ay-gwan-ay aush.

Whereas, by a certain treaty ratified March 20th, 1865, between the parties aforesaid, a certain tract of land was, by the 2nd article thereof, reserved and set apart for a home for the said bands of Indians, and by other articles thereof provisions were made for certain moneys to be expended for agricultural improvements for the benefit of said bands; and whereas it has been found that the said reservation is not adapted for agricultural purposes for the use of such of the Indians as desire to devote themselves to such pursuits, while a portion of the bands desire to remain and occupy a part of the aforementioned reservation and to sell the remainder thereof to the United States: now, therefore, it is agreed—

ARTICLE 1st.

The Chippewas of the Mississippi hereby cede to the United States all their lands in the State of Minnesota, secured to them by the 2nd article of their treaty of March 20th, 1865, excepting and reserving therefrom the tract bounded and described as follows to wit: Commencing at a point on the Mississippi river, opposite the mouth of Wanoman river, as laid down on Sewall's map of Minnesota; thence due north to a point two miles further north than the most northerly point of Lake Winnebago-shish; thence due west to a point two miles west of the most westerly point of Cass lake; thence south to Kabekona river; thence down

said river to Leech lake; thence along the north shore of Leech lake to its outlet in Leech Lake river; thence down the main channel of said river to its junction with the Mississippi river, and thence down the Mississippi to the place of beginning.

And there is further reserved for the said Chippewas out of the land now owned by them such portion of their western outlet as may upon location and survey be found to be within the reservation provided for in the next succeeding section.

ARTICLE 2ND.

In order to provide a suitable farming region for the said bands there is hereby set apart for their use a tract of land, to be located in a square form as nearly as possible, with lines corresponding to the government surveys; which reservation shall include White Earth lake and Rice lake, and contain 36 townships of land; and such portions of the tract herein provided for as shall be found upon actual survey to lie outside of the reservation set apart for the Chippewas of the Mississippi by the 2nd article of the treaty of March 20th, 1865, shall be received by them in part consideration for the cession of lands made by this agreement.

ARTICLE 3.

In further consideration for the lands herein ceded, estimated to contain about two millions of acres, the United States agree to pay the following sums, to wit: Five thousand dollars for the erection of school buildings upon the reservation provided for in the 2nd article; four thousand dollars each year for ten years, and as long as the President may deem necessary after the ratification of this treaty, for the support of a school or schools upon said reservation; ten thousand dollars for the erection of a saw-mill, with grist mill attached, on said reservation; five thousand dollars to be expended in assisting in the erection of houses for such of the Indians as shall remove to said reservation.

Five thousand dollars to be expended, with the advice of the chiefs, in the purchase of cattle, horses, and farming utensils, and in making such improvements as are necessary for opening farms upon said reservation.

Six thousand dollars each year for ten years, and as long thereafter as the President may deem proper, to be expended in promoting the progress of the people in agriculture, and assisting them to become self-sustaining by giving aid to those who will labor.

Twelve hundred dollars each year for ten years for the support of a physician, and three hundred each year for ten years for necessary medicines.

Ten thousand dollars to pay for provisions, clothing, or such other articles as the President may determine, to be paid to them immediately on their removal to their new reservation.

ARTICLE 4.

No part of the annuities provided for in this or any former treaty with the Chippewas of the Mississippi bands shall be paid to any half-breed or mixed blood, except those who actually live with their people upon one of the reservations belonging to the Chippewa Indians; and the United States agree that any scrip which has been, or may hereafter be, issued to any half-breed or mixed blood, in pursuance of article 7 of the supplementary treaty with the Red Lake and Pembina bands of Chippewas, ratified April 25th, 1864, may be located upon any land, not mineral lands, belonging to the United States which may have been surveyed and is open to settlement.

ARTICLE 5.

It is further agreed that the annuity of \$1,000 a year which shall hereafter become due under the provisions of the 3rd article of the treaty with the Chippewas of the Mississippi bands, of Aug. 2, 1847, shall be paid to the chief, Hole-in-the-Day, and to his heirs; and there shall be set apart, by selections to be made in their behalf and reported to the Interior Department by the agent, one half section of land each, upon the Gulf Lake reservation, for Min-a-ge-shig and Truman A. Warren, who shall be entitled to patents for the same upon such selections being reported to the department.

ARTICLE 6.

Upon the ratification of this treaty, the Secretary of the Interior shall designate one or more persons who shall, in connection with the agent for the Chippewas in Minnesota, and such of their chiefs, parties to this agreement, as he may deem sufficient, proceed to locate, as near as may be, the reservation set apart by the 2nd article hereof, and designate the places where improvements shall be made; and such portion of the improvements provided for in the 4th article of the Chippewa treaty of May 7th, 1864, as the agent may deem necessary and proper, with the approval of the Commissioner of Indian Affairs, may be made upon the new reservation, and the United States will pay the expenses of negotiating this treaty, not to exceed ten thousand dollars.

ARTICLE 7.

As soon as the location of the reservation set apart by the second article hereof shall have been approximately ascertained, and reported to the office of Indian Affairs, the Secretary of the Interior shall cause the same to be surveyed in conformity to the system of government surveys, and whenever, after such survey, any Indian, of the bands parties hereto, either male or female, shall have ten acres of land under cultivation such Indian shall be entitled to receive a certificate, showing him to be entitled to the forty acres of land, according to legal subdivision, containing the said ten acres or the greater part thereof, and whenever such Indian shall have an additional ten acres under cultivation, he or she shall be entitled to a certificate for additional forty acres, and so on, until the full amount of 160 acres may have been certified to any one Indian; and the land so held by any Indian shall be exempt from taxation and sale for debt, and shall not be alienated except with the approval of the Secretary of the Interior, and in no case to any person not a member of the Chippewa tribe.

ARTICLE 8.

For the purpose of protecting and encouraging the Indians, parties to this treaty, in their efforts to become self-sustaining by means of agriculture, and the adoption of the habits of civilized life, it is hereby agreed that, in case of the commission by any of the said Indians of crimes against life or property, the person charged with such crimes may be arrested, upon the demand of the agent, by the sheriff of the county of Minnesota in which said reservation may be located, and when so arrested may be tried, and if convicted, punished in the same manner as if he were not a member of an Indian tribe.



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T R E A T Y

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

KIOWA, COMANCHE, AND APACHE TRIBES OF INDIANS.

CONCLUDED OCTOBER 21, 1867.

RATIFICATION ADVISED JULY 25, 1868.

PROCLAIMED AUGUST 25, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty-seven, by and between N. G. Taylor, Brevet Major General William S. Harney, Brevet Major General C. C. Augur, Brevet Major General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, Commissioners, on the part of the United States, and Satanka, (Sitting Bear,) Sa-Tan-Ta, (White Bear,) Parry-Wah-Say-Men, (Ten Bears,) Tep-Pe-Navon, (Painted Lips,) Mah-Vip-Pah, (Wolf's Sleeve,) Kon-Zhon-Ta-Co, (Poor Bear,) and other Chiefs and Headmen of the Kiowa, Comanche, and Apache tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty concluded at the Council Camp on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the 21st day of October, 1867, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit: Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred S. [H.] Terry, John B. Sanborn, Samuel F. Tappan and J. B. Henderson, of the one part, and the Kiowa, Comanche, and Apache Indians, represented by their chiefs and headmen duly authorized and empowered to act for the body of the people of said tribes, (the names of said chiefs and headmen being hereto subscribed) of the other part, witness:

Whereas, on the twenty-first day of October, 1867, a treaty of peace was made and entered into at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, by and between the United States of America, by its commissioners, Nathaniel G. Taylor, Wm. S. Harney, C. C. Augur, Alfred H. Terry, John B. Sanborn, Sam'l F. Tappan, and J. B. Henderson, of the one part, and the Kiowa and Comanche tribes of Indians, of the Upper Arkansas, by and through their chiefs and headmen whose names are subscribed thereto, of the other part, reference being had to said treaty; and whereas, since the making and signing of said treaty, at a council held at said camp on this day, the chiefs and headmen of the Apache nation or tribe of

Indians express to the commissioners on the part of the United States as aforesaid a wish to be confederated with the said Kiowa and Comanche tribes, and to be placed, in every respect, upon an equal footing with said tribes; and whereas, at a council held at the same place and on the same day, with the chiefs and headmen of the said Kiowa and Comanche tribes, they consent to the confederation of said Apache tribe, as desired by it, upon the terms and conditions hereinafter set forth in this supplementary treaty: Now therefore, it is hereby stipulated and agreed by and between the aforesaid commissioners, on the part of the United States, and the chiefs and headmen of the Kiowa and Comanche tribes, and, also, the chiefs and headmen of the said Apache tribe, as follows, to wit:

ARTICLE I

The said Apache tribe of Indians agree to confederate and become incorporated with the said Kiowa and Comanche Indians, and to accept as their permanent home the reservation described in the aforesaid treaty with said Kiowa and Comanche tribes, concluded as aforesaid at this place, and they pledge themselves to make no permanent settlement at any place, nor on any lands, outside of said reservation.

ARTICLE II.

The Kiowa and Comanche tribes, on their part, agree that all the benefits and advantages arising from the employment of physicians, teachers, carpenters, millers, engineers, farmers, and blacksmiths, agreed to be furnished under the provisions of their said treaty, together with all the advantages to be derived from the construction of agency buildings, warehouses, mills, and other structures, and also from the establishment of schools upon their said reservation, shall be jointly and equally shared and enjoyed by the said Apache Indians, as though they had been originally a part of said tribes; and they further agree that all other benefits arising from said treaty shall be jointly and equally shared as aforesaid.

ARTICLE III.

The United States, on its part, agrees that clothing and other articles named in Article X of said original treaty, together with all money or other annuities agreed to be furnished under any of the provisions of said treaty, to the Kiowas and Comanches, shall be shared equally by the Apaches. In all cases where specific articles of clothing are agreed to be furnished to the Kiowas and Comanches, similar articles shall be furnished to the Apaches, and a separate census of the Apaches shall be annually taken and returned by the agent, as provided for the other tribes. And the United States further agrees, in consideration of the incorporation of the said Apaches, to increase the annual appropriation of money, as provided for in Article X of said treaty, from twenty-five thousand to thirty thousand dollars; and the latter amount shall be annually appropriated, for the period therein named, for the use and benefit of said three tribes, confederated as herein declared; and the clothing and other annuities, which may from time to time be furnished to the Apaches, shall be based upon the census of the three tribes, annually to be taken by the agent, and shall be separately marked, forwarded, and delivered to them at the agency house, to be built under the provisions of said original treaty.

ARTICLE IV.

In consideration of the advantages conferred by this supplementary treaty upon the Apache tribe of Indians, they agree to observe and faithfully comply with all the stipulations and agreements entered into by the Kiowas and Comanches in said original treaty. They agree, in the same manner, to keep the peace toward the whites and all other persons under the jurisdiction of the United States, and to do and perform all other things enjoined upon said tribes by the provisions of said treaty; and they hereby give up and forever relinquish to the United States all rights, privileges, and grants now vested in them, or intended to be transferred to them, by the treaty between the United States and the Cheyenne and Arapahoe tribes of Indians, concluded at the camp on the Little Arkansas river, in the State of Kansas, on the 14th day of October, 1865, and also by the supplementary treaty, concluded at the same place on the 17th day of the same month, between the United States, of the one part, and the Cheyenne, Arapahoe, and Apache tribes, of the other part.

In testimony of all which, the said parties have hereunto set their hands and seals at the place and on the day hereinbefore stated.

N. G. TAYLOR,	[SEAL.]
<i>President of Indian Commission.</i>	
WM. S. HARNEY,	[SEAL.]
<i>Bvt. Majr. Gen., Commissioner, &c.</i>	
C. C. AUGUR,	[SEAL.]
<i>Bvt. Majr. Genl.</i>	
ALFRED H. TERRY,	[SEAL.]
<i>Bvt. M. Genl. and Brig. Genl.</i>	
JOHN B. SANBORN.	[SEAL.]
SAMUEL F. TAPPAN.	[SEAL.]
J. B. HENDERSON.	[SEAL.]

On the part of the Kiowas.

SATANKA, or Sitting Bear,	his x mark,	[SEAL.]
SA-TAN-TA, or White Bear,	his x mark,	[SEAL.]
WAH-TOH-KONK, or Black Eagle,	his x mark,	[SEAL.]
TON-A-EN-KO, or Kicking Eagle,	his x mark,	[SEAL.]
FISH-E-MORE, or Stinking Saddle,	his x mark,	[SEAL.]
MA-YE-TIN, or Woman's Heart,	his x mark,	[SEAL.]
SA-TIM-GEAR, or Stumbling Bear,	his x mark,	[SEAL.]
SA-PA-GA, or One Bear,	his x mark,	[SEAL.]
COR-BEAU, or The Crow,	his x mark,	[SEAL.]
SA-TA-MORE, or Bear Lying Down,	his x mark,	[SEAL.]

On the part of the Comanches.

PARRY-WAH-SAY-MEN, or Ten Bears,	his x mark,	[SEAL.]
TEP-PE-NAVON, or Painted Lips,	his x mark,	[SEAL.]
TO-SHE-WI, or Silver Brooch,	his x mark,	[SEAL.]
CEAR-CHI-NEKA, or Standing Feather,	his x mark,	[SEAL.]
HO-WE-AR, or Gap in the Woods,	his x mark,	[SEAL.]
TIR-HA-YAH-GUA-HIP, or Horse's Back,	his x mark,	[SEAL.]
ES-A-MAN-A-CA, or Wolf's Name,	his x mark,	[SEAL.]
AH-TE-ES-TA, or Little Horn,	his x mark,	[SEAL.]
POOH-YAH-TO-YEH-BE, or Iron Mountain,	his x mark,	[SEAL.]
SAD-DY-YO, or Dog Fat,	his x mark,	[SEAL.]

On the part of the Apaches.

MAH-VIP-PAH, Wolf's Sleeve,	his x mark,	[SEAL.]
KON-ZHON-TA-CO, Poor Bear,	his x mark,	[SEAL.]
CHO-SE-TA, or Bad Back,	his x mark,	[SEAL.]
NAH-TAN, or Brave Man,	his x mark,	[SEAL.]
BA-ZHE-ECH, Iron Shirt,	his x mark,	[SEAL.]
TIL-LA-KA, or White Horn,	his x mark,	[SEAL.]

Attest:

ASHTON S. H. WHITE, *Secretary.*
 GEO. B. WILLIS, *Reporter.*
 PHILIP MCCUSKER, *Interpreter.*
 JOHN D. HOWLAND, *Clerk Indian Commission.*
 SAM'L S. SMOOT, *U. S. Surveyor.*
 A. A. TAYLOR.
 J. H. LEAVENWORTH, *U. S. Ind. Agt.*
 THOS. MURPHY, *Supt. Ind. Affairs.*
 JOEL H. ELLIOTT, *Major 7th U. S. Cv.*

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 25. 1868.

Resolved, (two-thirds of the senators present concurring, That the Senate advise and consent to the ratification of the treaty concluded at the council camp on Medicine Lodge creek, in the State of Kansas, between the United States and the Kiowa, Comanche, and Apache tribes of Indians.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fifth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

By the President:

ANDREW JOHNSON.

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

KIOWA AND COMANCHE TRIBES OF INDIANS.

CONCLUDED OCTOBER 21, 1867.
RATIFICATION ADVISED JULY 25, 1868.
PROCLAIMED AUGUST 25, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

[NOTE BY THE DEPARTMENT OF STATE.—The words of this treaty which are put in brackets with an asterisk are written in the original with black pencil, the rest of the original treaty being written with black ink.]

Whereas a Treaty was made and concluded at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-first day of October, in the year of our Lord one thousand eight hundred and sixty seven, by and between N. G. Taylor, Brevet Major General William S. Harney, Brevet Major General C. C. Angur, Brevet Major General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, Commissioners, on the part of the United States, and Satank, (Sitting Bear,) Sa-Tan-Ta, (White Bear,) Parry-Wah-Say-Men, (Ten Bears,) and Tep-Pe-Navon, (Painted Lips,) and other Chiefs and Headmen of the Kiowa and Comanche tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty and agreement made and entered into at the Council Camp on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the 21st day of October, 1867, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit, Nathaniel G. Taylor, William S. Harney, C. C. Angur, Alfred S. [H.] Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, of the one part, and the confederated tribes of Kiowa and Comanche Indians, represented by their chiefs and headmen, duly authorized and empowered to act for the body of the people of said tribes, (the names of said chiefs and headmen being hereto subscribed,) of the other part, witness:

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease.

The government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or

property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black or Indians, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as, in his judgment, may be proper; but no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss, while violating or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

ARTICLE II.

The United States agrees that [the*] following district of country, to wit: commencing at a point where the Washita river crosses the 98th meridian, west from Greenwich; thence up the Washita river, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence, due west to the north fork of Red river, provided said line strikes said river east of the 100th meridian of west longitude; if not, then only to said meridian line, and thence south, on said meridian line, to the said north fork of Red river; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red river; thence down said river, in the middle of the main channel thereof to its intersection with the 98th meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning, shall be and the same is hereby set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such other friendly tribes or individual Indians, as, from time to time, they may be willing [with the consent of the United States*] to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservation in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation, for the use of said Indians.

ARTICLE III.

If it should appear from actual survey or other satisfactory examination of said tract of land, that it contains less than one hundred and sixty acres of tillable land, for each person, who at the time may be authorized to reside on it

under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians, as herein provided, such additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE IV.

The United States agrees at its own proper expense to construct at some place, near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: A warehouse, or store-room for the use of the agent, in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars: also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular-saw mill, with a grist mill and shingle machine attached; the same to cost not exceeding eight thousand dollars.

ARTICLE V.

The United States agrees that the agent for the said Indians in the future, shall make his home at the agency building; that he shall reside among them, and keep an office open at all times, for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family so long as he or they may continue to cultivate it. Any person, over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon, be entitled to the exclusive possession of the same as above directed. For each tract of land so selected, a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same

has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Kiowa and Comanche Land Book." The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers, in their improvements and may fix the character of the title held by each. The United States may pass such laws, on the subject of alienation and descent of property and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the tribes, entering into this treaty, the necessity of education is admitted especially by such of them as are or may be settled on said agricultural reservations; and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians, to see that this stipulation is strictly complied with: and the United States, agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year not exceeding in value, one hundred dollars, and for each succeeding year he shall continue to farm for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid not exceeding in value twenty-five dollars. And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, together with such iron, steel, and other material, as may be needed.

ARTICLE IX.

At any time after ten years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmiths, carpenter, engineer, and miller herein provided for; but, in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into the condition of said Indians, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

ARTICLE X.

In lieu of all sums of money or other annuities provided to be paid to the Indians, herein named, under the treaty of October 18th, 1865, made at the mouth of the "Little Arkansas," and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the 15th day of October of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks. For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, and twelve yards of calico, and twelve yards of "domestic."

For the boys and girls under the ages named, such flannel and cotton goods as may be needed, to make each a suit as aforesaid, together with a pair of woollen hose for each; and, in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward him a full and exact census of the Indians on which the estimates from year to year can be based; and, in addition to the clothing herein named, the sum of twenty-five thousand dollars shall be annually appropriated for a period of thirty years, to be used by the Secretary of the Interior in the purchase of such articles, upon the recommendation of the Commissioner of Indian Affairs, as from time to time the condition and necessities of the Indians may indicate to be proper; and if at any time within the thirty years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named; and the President shall, annually, detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

ARTICLE XI.

In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside of their reservation, as herein defined, but they yet reserve the right to hunt on any lands south of the Arkansas [river,*] so long as the buffalo may range thereon in such numbers as to justify the chase, [and no white settlements shall be permitted on any part of the lands contained in the old reservation as defined by the treaty made between the U. S. and the Cheyenne, Arapahoe, and Apache tribes of Indians at the mouth of the Little Arkansas, under date of October 14th, 1865, within three years from this date;*] and they, [the said tribes,*] further expressly agree—

1st. That they will withdraw all opposition to the construction of the railroad now being built on the Smoky Hill river, whether it be built to Colorado or New Mexico.

2nd. That they will permit the peaceable construction of any railroad not passing over their reservation as herein defined.

3rd. That they will not attack any persons at home, nor travelling, nor molest

or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture or carry off from the settlements white women or children.

5th. They will never kill nor scalp white men nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river and westward to the Pacific ocean; and they will not, in future, object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribes whatever amount of damage may be assessed by three disinterested commissioners, to be appointed by the President for that purpose; one of said commissioners to be a chief or headman of the tribes.

7th. They agree to withdraw all opposition to the military posts now established in the western territories.

ARTICLE XII.

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in Article III [VI] of this treaty.

ARTICLE XIII.

The Indian agent, in employing a farmer, blacksmith, miller, and other employes herein provided for, qualifications being equal, shall give the preference to Indians.

ARTICLE XIV.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.

ARTICLE XV.

It is agreed that the sum of seven hundred and fifty dollars be appropriated for the purpose of building a dwelling-house on the reservation for "Tosh-e-wa," (or the Silver Brooch,) the Comanche chief who has already commenced farming on the said reservation. And the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribes who in the judgment of the agent may grow the most valuable crops for the period named.

ARTICLE XVI.

The tribes herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the lands south of the Arkansas river, formerly called theirs, in the same manner, subject to the modifications named in this treaty, as agreed on by the treaty of the Little Arkansas, concluded the 18th day of October, 1865.

In testimony of which, we have hereunto set our hands and seals on the day and year aforesaid.

N. G. TAYLOR,	[SEAL.]
<i>President of Indian Com'n.</i>	
WM. S. HARNEY,	[SEAL.]
<i>Bvt. Mjr. Gen.</i>	
C. C. AUGUR,	[SEAL.]
<i>Bvt. Majr. Gen.</i>	
ALFRED H. TERRY,	[SEAL.]
<i>Brig. and Bvt. Majr. Gen.</i>	
JOHN B. SANBORN,	[SEAL.]
SAMUEL F. TAPPAN,	[SEAL.]
J. B. HENDERSON,	[SEAL.]

Attest: ASHTON S. H. WHITE,
Secretary.

Kioways.

SATANK, or Sitting Bear,	his x mark. [SEAL.]
SA-TAN-TA, or White Bear,	his x mark. [SEAL.]
WA-TOH-KONK, or Black Eagle,	his x mark. [SEAL.]
TON-A-EN-KO, or Kicking Eagle,	his x mark. [SEAL.]
FISH-E-MORE, or Stinking Saddle,	his x mark. [SEAL.]
MA-YE-TIN, or Woman's Heart,	his x mark. [SEAL.]
SA-TIM-GEAR, or Stumbling Bear,	his x mark. [SEAL.]
SIT-PAR-GA, or One Bear,	his x mark. [SEAL.]
CORBEAU, or The Crow,	his x mark. [SEAL.]
SA-TA-MORE, or Bear Lying Down,	[SEAL.]

Comanches.

PARRY-WAH-SAY-MEN, or Ten Bears,	his x mark. [SEAL.]
TEP-PE-NAVON, or Painted Lips,	his x mark. [SEAL.]
TO-SA-IN, or Silver Brooch,	his x mark. [SEAL.]
CEAR-CHI-NEKA, or Standing Feather,	his x mark. [SEAL.]
HO-WE-AR, or Gap in the Woods,	his x mark. [SEAL.]
TIR-HA-YAH-GUAIIP, or Horse's Back,	his x mark. [SEAL.]
ES-A-NANACA, or Wolf's Name,	his x mark. [SEAL.]
AH-TE-ES-TA, or Little Horn,	his x mark. [SEAL.]
POOH-YAH-TO-YEH-BE, or Iron Mountain,	his x mark. [SEAL.]
SAD-DY-YO, or Dog Fat,	his x mark. [SEAL.]

Attest:

JAS. A. HARDIE,
Inspector Genl. U. S. Army.

SAM'L S. SMOOT,
U. S. Surveyor.

PHILIP McCUSKER,
Interpreter.

J. H. LEAVENWORTH,
U. S. In. Agt.

THOS. MURPHY,
Supt. Ind. Affairs.

HENRY STANLEY,
Correspondent.

A. A. TAYLOR,
Assistant Secretary.

WM. FAYEL,
Correspondent.

JAMES O. TAYLOR,
Artist.

GEO. B. WILLIS,
Photographer.

C. W. WHITAKER,
Trader.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the articles of a treaty and agreement made and entered into at the council camp on Medicine Lodge creek, in the State of Kansas, between the United States and the confederated tribes of Kiowa and Comanche Indians.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fifth day of August, in the [SEAL.] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

By the President:

ANDREW JOHNSON.

WILLIAM H. SEWARD,
Secretary of State.

407.2-1-11

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHEYENNE AND ARAPAHOE TRIBES OF INDIANS.

CONCLUDED OCTOBER 28, 1867.
RATIFICATION ADVISED JULY 25, 1868.
PROCLAIMED AUGUST 19, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING

Whereas a Treaty was made and concluded at the Council Camp, on Medicine Lodge creek, seventy miles south of Fort Larned, in the State of Kansas, on the twenty-eighth day of October, in the year of our Lord one thousand eight hundred and sixty-seven, by and between N. G. Taylor, Brevet Major General William S. Harney, Brevet Major General C. C. Augur, Brevet Major General Alfred H. Terry, John B. Sanborn, Samuel F. Tappan, and J. B. Henderson, Commissioners, on the part of the United States, and O-to-ah-mac-co, (Bull-Bear,) Moke-tav-a-to, (Black Kettle,) Little Raven, Yellow Bear, and other Chiefs and Headmen of the Cheyenne and Arapahoe tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty and agreement made and entered into at the Council Camp on Medicine Lodge Creek, seventy miles south of Fort Larned, in the State of Kansas, on the 28th day of October, 1867, by and between the United States of America, represented by its commissioners duly appointed thereto, to wit: Nathaniel G. Taylor, William S. Harney, C. C. Augur, Alfred H. Terry, John B. Sanborn, Samuel F. Tappan and John B. Henderson, of the one part, and the Cheyenne and Arapahoe tribes of Indians, represented by their Chiefs and Headmen duly authorized and empowered to act for the body of the people of said tribes—the names of said Chiefs and Headmen being hereto subscribed—of the other part, witness:

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease. The Government of the United States desires peace, and its honor is here pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of

the United States and at peace therewith, the tribes herein named, solemnly agree that they will, on proof made to their agent, and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages, under the provisions of this article, as in his judgment may be proper. But, no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs and the Secretary of the Interior; and no one sustaining loss, while violating or because of his violating the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit: commencing at the point where the Arkansas river crosses the 37th parallel of north latitude, thence west, on said parallel—the said line being the southern boundary of the State of Kansas—to the Cimarrone River, (sometimes called the Red Fork of the Arkansas river,) thence down said Cimarrone river, in the middle of the main channel thereof, to the Arkansas river; thence up the Arkansas river, in the middle of the main channel thereof, to the place of beginning, shall be and the same is hereby set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians, as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians.

ARTICLE III.

If it should appear from actual survey or other examination of said tract of land, that it contains less than one hundred and sixty acres of tillable land for each person, who at the time may be authorized to reside on it, under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart for the use of said Indians as herein provided, such additional quantity of arable land adjoining to said reservation, or as near the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE IV.

The United States agrees at its own proper expense to construct at some place near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer,

blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school which shall not cost exceeding five thousand dollars. The United States agrees, further, to cause to be erected on said reservation, near the other buildings herein authorized, a good steam, circular saw mill, with a grist mill and shingle machine attached; the same to cost not exceeding eight thousand dollars.

ARTICLE V.

The United States agrees that the agents for said Indians, in the future shall make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation, under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual, belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the land-book as herein directed shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him, or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected, a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon, that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Cheyenne and Arapahoe Land Book." The President may at any time, order a survey of the reservation, and when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years,

to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars; and for each succeeding year he shall continue to farm for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming, shall receive instruction from the farmer herein provided for; and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE IX.

At any time after ten years from the making of this treaty the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller, herein provided for, but in case of such withdrawal, an additional sum, thereafter, of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall upon careful inquiry into their condition make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

ARTICLE X.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under the treaty of October 14th, 1865, made at the mouth of the Little Arkansas, and under all treaties made previous thereto, the United States agrees to deliver at the agency house on the reservation herein named, on the 15th day of October, of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age a suit of good, substantial woolen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female, over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year

to forward to him a full and exact census of the Indians on which the estimate from year to year can be based.

And, in addition to the clothing herein named, the sum of twenty thousand dollars shall be annually appropriated for a period of thirty years to be used by the Secretary of the Interior; in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if at any time, within the thirty years, it shall appear that the amount of money needed for clothing, under this article can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but, in no event, shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall, annually, detail an officer of the army to be present, and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

ARTICLE XI.

In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside of their reservation as herein defined, but they yet reserve the right to hunt on any lands south of the Arkansas so long as the buffalo may range thereon in such numbers as to justify the chase; and no white settlements shall be permitted on any part of the lands contained in the old reservation as defined by the treaty made between the United States and the Cheyenne, Arapahoe, and Apache tribes of Indians, at the mouth of the Little Arkansas, under date of October 14th, 1865, within three years from this date, and they, the said tribes, further expressly agree—

1st. That they will withdraw all opposition to the construction of the railroad now being built on the Smoky Hill river, whether it be built to Colorado or New Mexico.

2d. That they will permit the peaceable construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States or to persons friendly therewith.

4th. They will never capture or carry off from the settlements white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river, and westward to the Pacific Ocean; and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE XII.

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his rights to any tract of land selected by him as provided in article VI of this treaty.

ARTICLE XIII.

The United States hereby agree to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XIV.

It is agreed that the sum of five hundred dollars, annually, for three years from date, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

ARTICLE XV.

The tribes herein named agree that when the agency-house and other buildings, shall be constructed on the reservation named, they will regard and make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right, subject to the conditions and modifications of this treaty, to hunt on the lands south of the Arkansas river, formerly called theirs, in the same manner as agreed on by the treaty of the "Little Arkansas," concluded the 14th day of October, 1865.

In testimony of which, we have herewith set our hands and seals, on the day and year aforesaid.

N. G. TAYLOR, [SEAL.]
President of Indn. Commission.

WM. S. HARNEY, [SEAL.]
Maj. Gen. Bvt., &c.

C. C. AUGUR, [SEAL.]
Bvt. Maj. Genl.

ALFRED H. TERRY, [SEAL.]
Bvt. M. Genl.

JOHN B. SANBORN, [SEAL.]
Com.

SAMUEL F. TAPPAN. [SEAL.]

J. B. HENDERSON. [SEAL.]

Attest:

ASHTON S. H. WHITE, *Secretary.*
GEO. B. WILKIS, *Phonographer.*

On the part of the Cheyennes.

O-TO-AH-NAC-CO, Bull Bear,	his x mark,	[SEAL.]
MOKE-TAV-A-TO, Black Kettle,	his x mark,	[SEAL.]
NAC-CO-HAH-KET, Little Bear,	his x mark,	[SEAL.]
MO A-VO-VA-AST, Spotted Elk,	his x mark,	[SEAL.]
IS-SE-VON-NE-VE, Buffalo Chief,	his x mark,	[SEAL.]
VIP-PO-NAH, Slim Face,	his x mark,	[SEAL.]
WO-PAH-AH, Gray Head,	his x mark,	[SEAL.]
O-NI-HAH-KET, Little Rock,	his x mark,	[SEAL.]
MA-MO-KI, or Curly Hair,	his x mark,	[SEAL.]
O-TO-AH-HAS-TIS, Tall Bull,	his x mark,	[SEAL.]
WO-PO-HAM, or White Horse,	his x mark,	[SEAL.]
HAH-KET-HOME-MAH, Little Robe,	his x mark,	[SEAL.]
MIN-NIN-NE-WAH, Whirlwind,	his x mark,	[SEAL.]
MO-YAN-HISTE-HISTOW, Heap of Birds,	his x mark,	[SEAL.]

On the part of the Arapahoes.

LITTLE RAVEN,	his x mark,	[SEAL.]
YELLOW BEAR,	his x mark,	[SEAL.]
STORM,	his x mark,	[SEAL.]
WHITE RABBIT,	his x mark,	[SEAL.]
SPOTTED WOLF,	his x mark,	[SEAL.]
LITTLE BIG MOUTH,	his x mark,	[SEAL.]
YOUNG COLT,	his x mark,	[SEAL.]
TALL BEAR,	his x mark,	[SEAL.]

Attest:

C. W. WHITAKER, *Interpreter.*
H. DOUGLAS, *Maj. 3 Inf.*
JNO. D. HOWLAND, *Clk. Indian Commission.*
SAML. S. SMOOT, *U. S. Surveyor.*
A. A. TAYLOR.
HENRY STANLEY, *Correspondent.*
JOHN S. SMITH, *U. S. Int.*
GEORGE BENT, *Interpreter.*
THOS. MURPHY, *Supt. Ind. Affairs.*

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved, (two-thirds of the senators present concurring.) That the Senate advise and consent to the ratification of the treaty between the United States and the Cheyenne and Arapaho[e] tribes of Indians concluded at Medicine Lodge Creek, on the 28th day of October, 1867.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this nineteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

By the President:

ANDREW JOHNSON.

WILLIAM H. SEWARD,

Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

TABEGUACHE, MUACHE, CAPOTE, WEEMINUCHE, YAMPA, GRAND
RIVER, AND UINTAH BANDS OF UTE INDIANS.

CONCLUDED MARCH 2, 1868.

RATIFICATION ADVISED, WITH AMENDMENT, JULY 25, 1868.

AMENDMENT ACCEPTED AUGUST 15, SEPTEMBER 1, 14, 24, AND 25, 1868.

PROCLAIMED NOVEMBER 6, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at the city of Washington, in the District of Columbia, on the second day of March, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Alexander C. Hunt, and Kit Carson, Commissioners, on the part of the United States, and U-ré, Ka-ni-ache, An-ka-tosh, Jos^é-María, Ni-ca-a-gat, Guero, Pa-sant, Pi-ah, Su-vi-ap, and Pa-lu-sat, representatives of the Tabeguache, Muche, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and Agreement, made and entered into at Washington city, D. C., on the second day of March, 1868, by and between Nathaniel G. Taylor, Commissioner of Indian Affairs, Alexander C. Hunt, governor of Colorado Territory and ex-officio superintendent of Indian affairs, and Kit Carson, duly authorized to represent the United States, of the one part, and the representatives of the Tabeguache, Muche, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Ute Indians, (whose names are hereto subscribed,) duly authorized and empowered to act for the body of the people of said bands, of the other part, witness:

ART. I.

All the provisions of the treaty concluded with the Tabeguache band of Utah Indians, October 7th, 1863, as amended by the Senate of the United States and proclaimed December 14th, 1864, which are not inconsistent with the provisions of this treaty, as hereinafter provided, are hereby re-affirmed and declared to be applicable and to continue in force as well to the other bands, respectively, parties to this treaty, as to the Tabeguache band of Utah Indians.

ART. II.

The United States agree that the following district of country, to wit: commencing at that point on the southern boundary line of the Territory of Colorado where the meridian of longitude 107° west from Greenwich crosses the same; run-

ning the same north with said meridian to a point fifteen miles due north of where said meridian intersects the 40th parallel of north latitude; thence due west to the western boundary line of said Territory; thence south with said western boundary line of said Territory to the southern boundary line of said Territory; thence east with said southern boundary line to the place of beginning, shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agree that no persons, except those herein authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, except as herein otherwise provided.

ART. III.

It is further agreed by the Indians, parties hereto, that henceforth they will and do hereby relinquish all claims and rights in and to any portion of the United States or Territories, except such as are embraced in the limits defined in the preceding article.

ART. IV.

The United States agree to establish two agencies on the reservation provided for in article two, one for the Grand River, Yampai, and Uintah bands, on White river, and the other for the Tabeguache, Mache, Weeminuche, and Capote bands, on the Rio de los Pinos, on the reservation, and at its own proper expense to construct at each of said agencies a warehouse or store-room for the use of the agent in storing goods belonging to the Indians, to cost not exceeding fifteen hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; and four other buildings, for a carpenter, farmer, blacksmith, and miller, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agree, further, to cause to be erected on said reservation, and near to each agency herein authorized, respectively, a good water-power saw-mill, with a grist-mill and a shingle machine attached, the same to cost not exceeding eight thousand dollars each: *Provided*, The same shall not be erected until such time as the Secretary of the Interior may think it necessary to the wants of the Indians.

ART. V.

The United States agree that the agents for said Indians, in the future, shall make their homes at the agency buildings; that they shall reside among the Indians, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint, by and against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on them by law. In all cases of depredation on person or property, they shall cause the evidence to be taken in writing and forwarded, together with their finding, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ART. VI.

If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the tribes herein named solemnly agree that they will, on proof made to their agent and notice to him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws, and in case they wilfully refuse so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States.

ART. VII.

If any individual belonging to said tribe of Indians or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, by metes and bounds, a tract of land within said reservation not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the land book as herein directed, shall cease to be held in common, but the same may be occupied and held in exclusive possession of the person selecting it and his family so long as he or they may continue to cultivate it. Any person over eighteen years of age, not being the head of a family, may, in like manner, select and cause to be certified to him or her for purposes of cultivation a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Ute Land Book."

The President may at any time order a survey of the reservation; and when so surveyed Congress shall provide for protecting the rights of such Indian settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property, and on all subjects connected with the government of the Indians on said reservation and the internal police thereof as may be thought proper.

ART. VIII.

In order to insure the civilization of the bands entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be engaged in either pastoral, agricultural, or other peaceful pursuits of civilized life on said reservation, and they therefore pledge themselves to induce their children, male and female, between the age[s] of seven and eighteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is complied with to the greatest possible extent; and the United States agree that for every thirty children between said ages who can be induced to attend school a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as teacher—the provisions of this article to continue for not less than twenty years.

ART. IX.

When the head of a family or lodge shall have selected lands, and received his certificate as above described, and the agent shall be satisfied that he intends, in good faith, to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value fifty dollars; and it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for; and it is further stipulated that an additional blacksmith to the one provided for in the treaty of Oct. 7, 1863, referred to in article one of this treaty, shall be provided with such iron, steel, and other material as may be needed for the Uintah, Yampa, and Grand River agency.

ART. X.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the farmers, blacksmiths, carpenters, and millers herein, and in the treaty of Oct. 7, 1863, referred to in article one of this treaty, provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations, subject to the approval of the Secretary of the Interior, for the expenditure of said sum as will best promote the educational and moral improvement of said Indians.

ART. XI.

That a sum, sufficient in the discretion of Congress for the absolute wants of said Indians, but not to exceed thirty thousand dollars per annum, for thirty years, shall be expended under the direction of the Secretary of the Interior for clothing, blankets, and such other articles of utility as he may think proper and necessary upon full official reports of the condition and wants of said Indians.

ART. XII.

That an additional sum sufficient, in the discretion of Congress, (but not to exceed thirty thousand dollars per annum,) to supply the wants of said Indians for food shall be annually expended under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, and potatoes, until such time as said Indians shall be found to be capable of sustaining themselves.

ART. XIII.

That for the purpose of inducing said Indians to adopt habits of civilized life and become self-sustaining, the sum of forty-five thousand dollars, for the first year, shall be expended under the direction of the Secretary of the Interior, in providing each lodge or head of a family in said confederated bands with one gentle American cow, as distinguished from the ordinary Mexican or Texas breed, and five head of sheep; also one good bull for every twenty-five head of cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase.

ART. XIV.

The said confederated bands agree that whensoever, in the opinion of the President of the United States, the public interests may require it, that all roads, highways, and railroads, authorized by law, shall have the right of way through the reservation herein designated.

ART. XV.

The United States hereby agree to furnish the Indians the teachers, carpenters, millers, farmers, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ART. XVI.

No treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as provided in article seven of this treaty.

ART. XVII.

All appropriations now made, or to be hereafter made, as well as goods and stock due these Indians under existing treaties, shall apply as if this treaty had not been made, and be divided proportionately among the seven bands named in this treaty, as also shall all annuities and allowances hereafter to be made: *Provided*, That if any chief of either of the confederated bands make war against the people of the United States, or in any manner violate this treaty in any essential part, said chief shall forfeit his position as chief and all rights to any of the benefits of this treaty: *But provided further*, Any Indian of either of these confederated bands who shall remain at peace, and abide by the terms of this treaty in all its essentials, shall be entitled to its benefits and provisions, notwithstanding his particular chief and band may have forfeited their rights thereto.

In testimony whereof, the commissioners as aforesaid on the part of the United States, and the undersigned representatives of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River and Uintah bands of Ute Indians, duly authorized and empowered to act for the body of the people of said bands, have hereunto set their hands and seals, at the place and on the day, month and year first hereinbefore written.

N. G. TAYLOR, [SEAL.]

A. C. HUNT, Governor, &c., [SEAL.]

KIT CARSON, [SEAL.]

Commissioners on the part of the United States.

U-RE, his x mark.

KA-NI-ACHE, his x mark.

AN-KA-TOSH, his x mark.

JOSE-MARIA, his x mark.

NI-CA-A-GAT, or Greenleaf, his x mark.

GUERO, his x mark.

PA-ANT, his x mark.

PI-AH, his x mark.

SU-VI-AP, his x mark.

PA-BU-SAT, his x mark.

Witnesses:

DANIEL C. OAKES,
U. S. Ind. Agent.
 LAFAYETTE HEAD,
U. S. Indian Agent.
 U. M. CURTIS,
Interpreter.
 H. P. BENNET.
 ALBERT G. BOONE.
 E. H. KELLOGG.
 WM. J. GODFREY.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, with an amendment, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the Articles of a Treaty and Agreement made and entered into at Washington city, D. C., on the second day of March, 1868, between the United States and the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta[h] bands of Ute Indians, with the following

AMENDMENT:

Article 13.—Strike out the following words: “also one good bull for every twenty-five [head of] cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase.”

Attest:

GEO. C. GORHAM,
Secretary.

And whereas the foregoing amendment having been fully explained and interpreted to certain duly authorized Chiefs and Headmen of the Tabeguache, Muache, Capote, Weeminuche, Yampa, Grand River, and Uinta[h] bands of Ute Indians, they did, to wit: those of the Grand River and Uinta[h] Ute Indians on the fifteenth day of August, in the year one thousand eight hundred and sixty-eight, those of the Yampas on the first day of September, in the same year, those of the Tabeguaches and Muaches on the fourteenth day of September, in the same year, those of the Capote Utes on the twenty-fourth day of September, in the same year, and those of the Weeminuche Utes on the twenty-fifth day of September, in the same year, give their free and voluntary assent to the said amendment in a writing, which, after reciting the aforesaid action of the Senate and its said proposed amendment, concludes in the words and figures following, to wit:

Whereas the Senate of the United States has advised and consented to the ratification of the treaty made on the second day of March, 1868, with the Tabagumche Mache, Capote, Weeminuche, Yampa, Grand River, and Uimah bands of Ute Indians, with the following amendment, to wit:

In article 13, strike out the following words: "also one good bull for every twenty-[five head of] cows, and such further sums annually, in the discretion of Congress, as may be necessary, not to exceed forty-five thousand dollars per annum, and not for a longer period than four years, shall be expended as aforesaid to every lodge or head of a family that shows a disposition to preserve said stock for increase."

Now, therefore, we, the Chiefs and Headmen of the aforesaid named bands of Ute Indians, duly authorized by our people, do hereby assent and agree to the said amendment, the same having been interpreted to us, and being fully understood by us.

Witness our hands and seals on the days and dates set opposite our names respectively.

Date of signing.	Signatures.		Interpretation of names.	Band.
1868. August 15.	SAC-WE-OCII	his X mark.	White Look of Hair.	Grand River Ute Indians.
	TAH-NACH	his X mark.	Granite Rock.	
	PAH-AH-PITCH	his X mark.	Sweet Herb.	
	TAB-Y-OU-SOUCK-EN	his X mark.	Sun Rise.	
	SHOU-WACII-A-WICKET	his X mark.	Rain Bow.	
	PE-AH	his X mark.	Black Tail Deer.	
	AH-UMP	his X mark.	Pine Tree.	Utah Ute Indians.
	AN-TRO	his X mark.	Rocking.	
	PAH	his X mark.	Water.	
	QUIR-NAUCH	his X mark.	Eagle.	
	YAH-MAH-NA	his X mark.	Briar.	

Signed in the presence of

A. SAGENDORF.

URIAH M. CURTIS, *Spec. Interpreter.*

E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*

DANIEL C. OAKES, *U. S. Ind. Agt.*

LOUIS O. HOWELL.

EDWARD R. HARRIS, *Special Interpreter.*
 E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*
 LOUIS O. HOWELL,
 URIAH M. CURTIS, *Interpreter.*

To the other copy of these instruments are signed as witnesses the following names: Juan Martine Martines, (friend of Indians,) Albert H. Pfeiffer, (their old agent,) Manuel Luisero.

Date of signing.	Signature.	Interpretation of names.	Band.
Sept. 24.	SO-BO-TA	his X mark.	Capotas Utes.
	ISI-DRO	his X mark.	
	SOW-WA-CIL-WICHE	his X mark.	
	BA-BU-ZAT	his X mark.	
	SAB-OU-ICHE	his X mark.	
	CHU-I-WISH	his X mark.	
	I-TA-LLUH	his X mark.	
	ERI-AT-OW-UP	his X mark.	
	AA-CA-WA	his X mark.	
	AC-I-APO-CO-EGO	his X mark.	
	MARTINE.	his X mark.	
	OU-A-CHIEE	his X mark.	
	TAP-AP-O-WATIE	his X mark.	
	SU-VI-ATH	his X mark.	
	WI-AR-OW	his X mark.	

Signed in the presence of
 LAFAYETTE HEAD.
 ALB. H. PFEIFFER.
 MANUEL LUISERO.
 E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*
 URIAH M. CURTIS, *Interpreter.*
 DANIEL C. OAKES, *U. S. Ind. Agent.*

Date of signing.	Signatures.	Interpretation of names.	Band.
September 25.	PA-JA-CHO-PE	his X mark. A Claw.	Weniamenos Utes.
	PA-NO-AR	his X mark. Broad Brow.	
	SU-BI-TO-AU	his X mark. Ugly Man.	
	TESA-GA-RA-POU-IT	his X mark. White Eyes.	
	SA-PO-EU-A-WA	his X mark. Big Belly.	
	QU-ER-A-TA	his X mark. A Bear.	

Signed in the presence of

LAFAYETTE HEAD.

MANUEL LUSERO.

ALB. H. PFEIFFER.

E. H. KELLOGG, *Secty. Col. Ind. Suptcy.*

JUAN MARTINE MARTINES, *Interpreter and Indian's Friend.*

DANIEL C. OAKES, *U. S. Ind. Agent.*

URIAH M. CURTIS, *Interpreter.*

I hereby certify that, pursuant to the order from the Commissioner of Indian Affairs, dated August 4th, 1868, I visited and held councils with the various bands of Ute Indians, at the times and places named in this instrument; and to all those familiar with the provisions of the treaty referred to have had the Senate amendment fully interpreted to them, and to all those not familiar with the treaty itself I have had the same fully explained and interpreted; and the forty-seven chiefs whose names are hereunto subscribed, placed their names to this instrument with the full knowledge of its contents and likewise with the provisions of the treaty itself.

Given under my hand at Denver, this 14th day of October, 1868.

A. C. HUNT,

Gov. Ex-off. Supt. Ind. Affairs.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth day of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty, with the amendment, as aforesaid.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the City of Washington, this sixth day of November, in the year of our [SEAL.] Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

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SUPPLEMENTAL ARTICLE

TO THE

TREATY OF JULY 19, 1866,

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

CHEROKEE NATION OF INDIANS.

CONCLUDED APRIL 27, 1868.

RATIFICATION ADVISED JUNE 6, 1868.

PROCLAIMED JUNE 10, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas to a treaty concluded at the city of Washington, in the District of Columbia, on the nineteenth day of July, in the year of our Lord one thousand eight hundred and sixty-six, between the United States of America and the Cherokee Nation of Indians, through their respective representatives, a Supplemental Article was made and concluded at the City of Washington, in the District of Columbia, on the twenty-seventh day of April, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Commissioner, on the part of the United States, and Lewis Downing, H. D. Reese, Samuel Smith, Wm. P. Adair, J. P. Davis, Elias C. Boudinot, J. A. Scales, and Arch. Scraper, Delegates of the said Cherokee Nation of Indians, on the part of said Indians, and duly authorized thereto by them, which Supplemental Article of Treaty is in the words and figures following, to wit:

Supplemental Article to a Treaty concluded at Washington city July 19th. A. D. 1866; ratified with amendments July 27th, A. D. 1866; amendments accepted July 31st, A. D. 1866; and the whole proclaimed August 11th, A. D. 1866, between the United States of America and the Cherokee nation of Indians.

Whereas under the provisions of the 17th article of a treaty and amendments thereto made between the United States and the Cherokee nation of Indians, and proclaimed August 11th, A. D. 1866, a contract was made and entered into by James Harlan, Secretary of the Interior, on behalf of the United States, of the one part, and by the American Emigrant Company, a corporation chartered and existing under the laws of the State of Connecticut, of the other part, dated August 30th, A. D. 1866, for the sale of the so-called "Cherokee neutral lands," in the State of Kansas, containing eight hundred thousand acres, more or less, with the limitations and restrictions set forth in the said 17th article of said treaty as amended, on the terms and conditions therein mentioned, which contract is now on file in the Department of the Interior;

And whereas Orville H. Browning, Secretary of the Interior, regarding said sale as illegal and not in conformity with said treaty and amendments thereto, did, on the ninth day of October, A. D. 1867, for and in behalf of the United States, enter into a contract with James F. Joy, of the city of Detroit, Michigan, for the sale of the aforesaid lands on the terms and conditions in said contract set forth, and which is on file in the Department of the Interior;

And whereas, for the purpose of enabling the Secretary of the Interior, as trustee for the Cherokee nation of Indians, to collect the proceeds of sales of said lands and invest the same for the benefit of said Indians, and for the purpose of preventing litigation and of harmonizing the conflicting interests of the said American Emigrant Company and of the said James F. Joy, it is the desire of all the parties in interest that the said American Emigrant Company shall assign their said contract and all their right, title, claim, and interest in and to the said "Cherokee neutral lands" to the said James F. Joy, and that the said Joy shall assume and conform to all the obligations of said company under their said contract, as hereinafter modified:

It is, therefore, agreed, by and between Nathaniel G. Taylor, commissioner on the part of the United States of America, and Lewis Downing, H. D. Reese, Wm. P. Adair, Elias C. Boudinot, J. A. Scales, Archie Scraper, J. Porum Davis, and Samuel Smith, commissioners on the part of the Cherokee nation of Indians, that an assignment of the contract made and entered into on the 30th day of August, A. D. 1866, by and between James Harlan, Secretary of the Interior, for and in behalf of the United States of America, of the one part, and the American Emigrant Company, a corporation chartered and existing under the laws of the State of Connecticut, of the other part, and now on file in the Department of the Interior, to James F. Joy, of the city of Detroit, Michigan, shall be made; and that said contract, as hereinafter modified, be and the same is hereby, with the consent of all parties, reaffirmed and declared valid; and that the contract entered into by and between Orville H. Browning, for and in behalf of the United States, of the one part, and James F. Joy, of the city of Detroit, Michigan, of the other part, on the 9th day of October, A. D. 1867, and now on file in the Department of the Interior, shall be relinquished and cancelled by the said James F. Joy, or his duly authorized agent or attorney; and the said first contract as hereinafter modified, and the assignment of the first contract, and the relinquishment of the second contract, are hereby ratified and confirmed, whenever said assignment of the first contract and the relinquishment of the second shall be entered of record in the Department of the Interior, and when the said James F. Joy shall have accepted said assignment and shall have entered into a contract with the Secretary of the Interior to assume and perform all obligations of the said American Emigrant Company under said first-named contract, as hereinafter modified.

The modifications hereinbefore mentioned of said contract are hereby declared to be—

1. That within ten days from the ratification of this supplemental article the sum of seventy-five thousand dollars shall be paid to the Secretary of the Interior as trustee for the Cherokee nation of Indians.

2. That the other deferred payments specified in said contract shall be paid when they respectively fall due, with interest only from the date of the ratification hereof.

It is further agreed and distinctly understood that, under the conveyance of the "Cherokee neutral lands" to the said American Emigrant Company, "with all beneficial interests therein," as set forth in said contract, the said company and their assignees shall take only the residue of said lands after securing to "actual settlers" the lands to which they are entitled under the provisions of the

17th article and amendments thereto of the said Cherokee treaty of Aug. 11th, 1866; and that the proceeds of the sales of said lands, so occupied at the date of said treaty by "actual settlers," shall enure to the sole benefit of, and be retained by, the Secretary of the Interior as trustee for the said Cherokee nation of Indians.

In testimony whereof, the said commissioners on the part of the United States, and on the part of the Cherokee nation of Indians, have hereunto set their hands and seals, at the city of Washington, this 27th day of April, A. D. 1868.

N. G. TAYLOR,

Commissioner in behalf of the United States.

LEWIS DOWNING,

Chief of Cherokee.

H. D. REESE,

Chmn. of Delegation.

Delegates of the Cherokee nation.

SAMUEL SMITH,

WM. P. ADAIR,

J. P. DAVIS,

ELIAS C. BOUDINOT,

J. A. SCALES,

ARCH. SCRAPER,

Cherokee Delegates.

In presence of—

H. M. WATTERSON.

CHARLES E. MIX.

And whereas the said Supplemental Article of Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixth day of June, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

June 6, 1868.

Resolved, (two-thirds of the Senators present concurring.) That the Senate advise and consent to the ratification of the supplemental article [concluded April 27, 1868] to a treaty between the United States and the Cherokee nation of Indians, concluded at Washington city, July 19, 1866; ratified with amendments July 27, 1866; amendments accepted July 31, 1866, and the whole proclaimed August 11, 1866.

Attest:

GEG. C. GORHAM,

Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixth of June, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Supplemental Article of Treaty as aforesaid.

In testimony whereof I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington, this tenth day of June, in the year of [SEAL] our Lord one thousand eighteen hundred and sixty-eight, and of the Independence of the United States of America the ninety-second.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND

DIFFERENT TRIBES OF SIOUX INDIANS.

CONCLUDED APRIL 23, ET SEQ., 1868.
RATIFICATION ADVISED FEBRUARY 16, 1869.
PROCLAIMED FEBRUARY 24, 1869.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Fort Laramie, in the Territory of Dakota, [now in the Territory of Wyoming,] on the twenty-ninth day of April, and afterwards, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augur, and Alfred H. Terry, Commissioners, on the part of the United States, and Ma-za-pon-kaska, Tah-shun-ka-co-qui-pah, Heh-won-ge-chat, Mah-to-non-pah, Little Chief, Makh-pi-ah-lu-tah, Co-eam-i-ya-ya, Con-te-pe-ta, Ma-wa-tau-ni-lav-ska, He-na-pin-wa-ni-ca, Wah-pah-shaw, and other Chiefs and Headmen of different tribes of Sioux Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded by and between Lieutenant General William T. Sherman, General William S. Harney, General Alfred H. Terry, General C. C. Augur, J. B. Henderson, Nathaniel G. Taylor, John B. Sanborn, and Samuel F. Tappan, duly appointed commissioners on the part of the United States, and the different bands of the Sioux Nation of Indians, by their chiefs and headmen, whose names are hereto subscribed, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to maintain it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If ~~bad men~~ among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no one sustaining loss while violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit, viz: commencing on the east bank of the Missouri river where the forty-sixth parallel of north latitude crosses the same, thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river, thence west across said river, and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich, thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same, thence due east along said parallel to the place of beginning; and in addition thereto, all existing reservations on the east bank of said river shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories, except such as is embraced within the limits aforesaid, and except as hereinafter provided.

ARTICLE III.

If it should appear from actual survey or other satisfactory examination of said tract of land that it contains less than one hundred and sixty acres of tillable land for each person who, at the time, may be authorized to reside on it under the provisions of this treaty, and a very considerable number of such persons shall be disposed to commence cultivating the soil as farmers, the United States agrees to set apart, for the use of said Indians, as herein provided, such additional quantity of arable land, adjoining to said reservation, or as near to the same as it can be obtained, as may be required to provide the necessary amount.

ARTICLE IV.

The United States agrees, at its own proper expense, to construct at some place on the Missouri river, near the centre of said reservation, where timber and water may be convenient, the following buildings, to wit: a warehouse, a storeroom for the use of the agent in storing goods belonging to the Indians, to cost not less than twenty-five

hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding five thousand dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached to the same, to cost not exceeding eight thousand dollars.

ARTICLE V.

The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them, and keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract when so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it, by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Sioux Land Book."

The President may, at any time, order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper. And it is further stipulated that any male Indians over eighteen years of age, of any band or tribe that is or shall hereafter become a party to this treaty, who now is or who shall hereafter become a resident or occupant of any reservation or territory not included in the tract of country designated and described in this treaty for the permanent home of the Indians, which is not mineral land, nor reserved by the United States for special purposes other than

Indian occupation, and who shall have made improvements thereon of the value of two hundred dollars or more, and continuously occupied the same as a homestead for the term of three years, shall be entitled to receive from the United States a patent for one hundred and sixty acres of land including his said improvements, the same to be in the form of the legal subdivisions of the surveys of the public lands. Upon application in writing, sustained by the proof of two disinterested witnesses, made to the register of the local land office when the land sought to be entered is within a land district, and when the tract sought to be entered is not in any land district, then upon said application and proof being made to the Commissioner of the General Land Office, and the right of such Indian or Indians to enter such tract or tracts of land shall accrue and be perfect from the date of his first improvements thereon, and shall continue as long as he continues his residence and improvements, and no longer. And any Indian or Indians receiving a patent for land under the foregoing provisions shall thereby and from thenceforth become and be a citizen of the United States and be entitled to all the privileges and immunities of such citizens, and shall, at the same time, retain all his rights to benefits accruing to Indians under this treaty.

ARTICLE VII.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for not less than twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid, not exceeding in value twenty-five dollars.

And it is further stipulated that such persons as commence farming shall receive instruction from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE IX.

At any time after ten years from the making of this treaty, the United States shall have the privilege of withdrawing the physician, farmer, blacksmith, carpenter, engineer, and miller herein provided for, but in case of such withdrawal, an additional sum thereafter of ten thousand dollars per annum shall be devoted to the education of said Indians, and the Commissioner of Indian Affairs shall, upon careful inquiry into their condition, make such rules and regulations for the expenditure of said sum as will best promote the educational and moral improvement of said tribes.

ARTICLE X.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on [or before*] the first day of August of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, pantaloons, flannel shirt, hat, and a pair of home-made socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the clothing herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of thirty years, while such persons roam and hunt, and twenty dollars for each person who engages in farming, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if within the thirty years, at any time, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the Indians named herein, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery. And it is hereby expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated that the United States will furnish and deliver to each lodge of Indians or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow, and one good well-broken pair of American oxen within sixty days after such lodge or family shall have so settled upon said reservation.

ARTICLE XI.

In consideration of the advantages and benefits conferred by this treaty and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy permanently the territory outside their reservation as herein defined, but yet reserve the right to hunt on any lands north of North Platte, and on the Republican Fork of the Smoky

* The words "or before," are inserted with black pencil.

Hill river, so long as the buffalo may range thereon in such numbers as to justify the chase. And they, the said Indians, further expressly agree:

1st. That they will withdraw all opposition to the construction of the railroads now being built on the plains.

2d. That they will permit the peaceful construction of any railroad not passing over their reservation as herein defined.

3d. That they will not attack any persons at home, or travelling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. They will never capture, or carry off from the settlements, white women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They withdraw all pretence of opposition to the construction of the railroad now being built along the Platte river and westward to the Pacific ocean, and they will not in future object to the construction of railroads, wagon roads, mail stations, or other works of utility or necessity, which may be ordered or permitted by the laws of the United States. But should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or headman of the tribe.

7th. They agree to withdraw all opposition to the military posts or roads now established south of the North Platte river, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE XII.

No treaty for the cession of any portion or part of the reservation herein described which may be held in common, shall be of any validity or force as against the said Indians unless executed and signed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him, as provided in article VI of this treaty.

ARTICLE XIII

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XIV.

It is agreed that the sum of five hundred dollars annually, for three years from date, shall be expended in presents to the ten persons of said tribe who in the judgment of the agent, may grow the most valuable crops for the respective year.

ARTICLE XV.

The Indians herein named agree that when the agency house and other buildings shall be constructed on the reservation named, they will regard said reservation their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right, subject to the conditions and modifications of this treaty, to hunt, as stipulated in Article XI hereof.

ARTICLE XVI.

The United States hereby agrees and stipulates that the country north of the North Platte river and east of the summits of the Big Horn mountains shall be held and considered to be unceded Indian territory, and also stipulates and agrees that no white person or persons shall be permitted to settle upon or occupy any portion of the same; or without the consent of the Indians, first had and obtained, to pass through the same; and it is further agreed by the United States, that within ninety days after the conclusion of peace with all the bands of the Sioux nation, the military posts now established in the territory in this article named shall be abandoned, and that the road leading to them and by them to the settlements in the Territory of Montana shall be closed.

ARTICLE XVII.

It is hereby expressly understood and agreed by and between the respective parties to this treaty that the execution of this treaty and its ratification by the United States Senate shall have the effect, and shall be construed as abrogating and annulling all treaties and agreements heretofore entered into between the respective parties hereto, so far as such treaties and agreements obligate the United States to furnish and provide money, clothing, or other articles of property to such Indians and bands of Indians as become parties to this treaty, but no further.

In testimony of all which, we, the said commissioners, and we, the chiefs and headmen of the Brulé band of the Sioux nation, have hereunto set our hands and seals at Fort Laramie, Dakota Territory, this twenty-ninth day of April, in the year one thousand eight hundred and sixty-eight.

N. G. TAYLOR, [SEAL.]

W. T. SHERMAN, [SEAL.]

Lt. Genl.

WM. S. HARNEY, [SEAL.]

Bvt. Maj. Gen. U. S. A.

JOHN B. SANBORN, [SEAL.]

S. F. TAPPAN, [SEAL.]

C. C. AUGUR, [SEAL.]

Bvt. Maj. Genl.

ALFRED H. TERRY, [SEAL.]

Bvt. M. Gen. U. S. A.

Attest:

A. S. H. WHITE, *Secretary.*

Executed on the part of the Brulé band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized, at Fort Laramie, D. T., the twenty-ninth day of April, in the year A. D. 1868.

MA-ZA-PON-KASKA, his x mark, Iron Shell. [SEAL.]

WAI-PAT-SHAH, his x mark, Red Leaf. [SEAL.]

IAH-SAH-PAH, his x mark, Black Horn. [SEAL.]

ZIN-TAH-GAIL-LAT-SKAH, his x mark, Spotted Tail. [SEAL.]

ZIN-TAH-SKAIL, his x mark, White Tail. [SEAL.]

ME-WAH-TAH-NE-HO-SKAH, his x mark, Tall Mandas. [SEAL.]

SIE-CHA-CHIAT-KAH, his x mark, Bad Left Hand. [SEAL.]

NO-MAH-NO-PAH, his x mark, Two and Two. [SEAL.]

TAH-TONKA-SKAI, his x mark, White Ball.	[SEAL.]
CON-RA-WASHITA, his x mark, Pretty Coon.	[SEAL.]
HA-CAH-CAH-SHE-CHAH, his x mark, Bad Elk.	[SEAL.]
WA-HA-KA-ZAH-ISI-TAH, his x mark, Eye Lance.	[SEAL.]
MA-TO-HA-KE-TAH, his x mark, Bear that looks behind.	[SEAL.]
BELLA-TONKA-TONKA, his x mark, Big Partisan.	[SEAL.]
MAH-TO-HO-HONKA, his x mark, Swift Bear.	[SEAL.]
TO-WIS-NE, his x mark, Cold Place.	[SEAL.]
ISI-TAH-SKAI, his x mark, White Eyes.	[SEAL.]
MA-TA-LOO-ZAH, his x mark, Fast Bear.	[SEAL.]
AS-HAH-KAH-NAH-ZHE, his x mark, Standing Elk.	[SEAL.]
CAN-TE-TE-KI-YA, his x mark, The Brave Heart.	[SEAL.]
SHUNKA-SHATON, his x mark, Day Hawk.	[SEAL.]
TATANKA-WAKON, his x mark, Sacred Bull.	[SEAL.]
MAPIA SHATON, his x mark, Hawk Cloud.	[SEAL.]
MA-SHA-A-OW, his x mark, Stands and Comes.	[SEAL.]
SHON-KA-TON-KA, his x mark, Big Dog.	[SEAL.]

Attest:

ASHTON S. H. WHITE, *Secretary of Commission.*
 GEORGE B. WITHS, *Phonographer to Commission.*
 GEO. H. HOLTZMAN.
 JOHN D. HOWLAND.
 JAMES C. O'CONNOR.
 CHAS. E. GUERN, *Interpreter.*
 LEON F. PALLARDY, *Interpreter.*
 NICHOLAS JANIS, *Interpreter.*

Executed on the part of the Ogallala band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized, at Fort Laramie, the twenty-fifth day of May, in the year A. D. 1868.

TAH-SHUN-KA-CO-QUI-PAH, his x mark, Man-afraid-of-his-horses.	[SEAL.]
SHATON-SKAI, his x mark, White Hawk.	[SEAL.]
SHATON-SAPAH, his x mark, Black Hawk.	[SEAL.]
EGA-MON-TON-KA-SAPAH, his x mark, Black Tiger.	[SEAL.]
OHI-WAH-SHE-CHA, his x mark, Bad Wound.	[SEAL.]
PAH-GEE, his x mark, Grass.	[SEAL.]
WAH-NON-REH-CHIE-GEH, his x mark, Ghost Heart.	[SEAL.]
CON-REH, his x mark, Crow.	[SEAL.]
OHI-HE-TE-KAH, his x mark, The Brave.	[SEAL.]
TAH-TON-KAH-HE-YO-TA-KAH, his x mark, Sitting Bull.	[SEAL.]
SHON-KA-OHI-WAH-MON-YE, his x mark, Whirlwind Dog.	[SEAL.]
HA-HAH-KAH-TAH-MIECH, his x mark, Poor Elk.	[SEAL.]
WAM-BU-LEE-WAH-KON, his x mark, Medicine Eagle.	[SEAL.]
CHON-GAH-MA-HE-TO-HANS-KA, his x mark, High Wolf.	[SEAL.]
WAH-SE-CHUN-TASHUN-KAH, his x mark, American Horse.	[SEAL.]
MAH-HAH-MAH-HA-MAK-NEAR, his x mark, Man that walks under the ground.	[SEAL.]
MAH-TO-TOW-PAH, his x mark, Four Bears.	[SEAL.]
MA-TO-WEE-SHA-KTA, his x mark, One that kills the bear.	[SEAL.]
OHI-TAH-KEE-TOKA-WEE-CHAKTA, his x mark, One that kills in a hard place.	[SEAL.]

TAIL-TON-KAH-TA-MIECH, his x mark, The poor Bull. [SEAL.]
 OII-HUNS-EE-GA-NON-SKEN, his x mark, Mad Shade. [SEAL.]
 SHAH-TON-OII-NAI-LOM-MINNE-NE-OII-MINNE, his x mark, [SEAL.]
 Whirling Hawk.

MAH-TO-CHUN-KA-OII, his x mark, Bear's Back. [SEAL.]
 CHE-TON-WEE-KOII, his x mark, Fool Hawk. [SEAL.]
 WAI-HOII-KE-ZA-AII-HAI, his x mark, One that has the Lance. [SEAL.]
 SHON-GAIL-MANNI-TOII-TAN-KA-SEII, his x mark, [SEAL.]
 Big Wolf Foot.

EII-TON-KAH, his x mark, Big Mouth. [SEAL.]
 MA-PAI-CHE-TAI, his x mark, Bad Hand. [SEAL.]
 WAI-KE-YUN-SHAII, his x mark, Red Thunder. [SEAL.]
 WAK-SAI, his x mark, One that Cuts Off. [SEAL.]
 CHAM-NOM-QUI-YAI, his x mark, One that Presents the Pipe. [SEAL.]
 WAI-KE-KE-YAN-PUI-TAI, his x mark, Fire Thunder. [SEAL.]
 MAH-TO-NONK-PAI-ZE, his x mark, Bear with Yellow Ears. [SEAL.]
 CON-REE-TEI-KA, his x mark, The Little Crow. [SEAL.]
 HE-HUP-PAI-TOII, his x mark, The Blue War Club. [SEAL.]
 SHON-KEE-TOII, his x mark, The Blue Horse. [SEAL.]
 WAM-BALLA-OH-CONQUO, his x mark, Quick Eagle. [SEAL.]
 TA-TONKA-SUPPA, his x mark, Black Bull. [SEAL.]
 MOH-TO-HA-SHE-NA, his x mark, The Bear Hide. [SEAL.]

Attest:

S. E. WARD.
 JAS. C. O'CONNOR.
 J. M. SHERWOOD.
 W. C. SLICER.
 SAM DEON.
 H. M. MATTHEWS.
 JOSEPH BISSETTE, *Interpreter.*
 NICHOLAS JANIS, *Interpreter.*
 LEFROY JOTT, *Interpreter.*
 ANTOINE JANIS, *Interpreter.*

Executed on the part of the Minneconjou band of Sioux by the chiefs and head-men whose names are hereto subscribed, they being thereunto duly authorized.

At Fort Laramie, D.T.,) IIEH-WON-GE-CHIAI, his x mark, One Horn. [SEAL.]
 May 26, '68, 13 names.) OII-PON-AII-TAH-E-MANNE, his x mark, [SEAL.]
 The Elk that bellows Walking.

At Fort Laramie, D.T.,) IIEH-HO-LAH-REH-CHIA-SKAH, his x mark, [SEAL.]
 May 25, '68, 2 names.) Young White Bull.

WAI-CHAI-CHUM-KAH-COII-KEE-PAII, his x mark, [SEAL.]
 One that is afraid of Shield.

IIE-HON-NESHAHTA, his x mark, The Old Owl. [SEAL.]

MOC-PE-A-TOII, his x mark, Blue Cloud. [SEAL.]

OII-PONG-GE-LE-SKAII, his x mark, Spotted Elk. [SEAL.]

TAI-TONK-KA-HON-KE-SCHNE, his x mark, Slow Bull. [SEAL.]

SHONK-A-NEE-SHAII-SHAII-A-TAI-PE, his x mark, [SEAL.]

The Dog Chief.

MA-TO-TAI-TA-TONK-KA, his x mark, Bull Bear. [SEAL.]

WOM-BEII-LE-TON-KAH, his x mark, The Big Eagle. [SEAL.]

MA-TOH-EH-SCHNE-LAH, his x mark, The Lone Bear.	[SEAL.]
MAH-TOH-KE-SU-YAH, his x mark,	[SEAL.]
The One who Remembers the Bear.	
MA-TOH-OH-HE-TO-KEH, his x mark, The Brave Bear.	[SEAL.]
EH-CHE-MA-HEH, his x mark, The Runner.	[SEAL.]
TI-KI-YA, his x mark, The Hard.	[SEAL.]
HE-MA-ZA, his x mark, Iron Horn.	[SEAL.]

Witness:

JAS. C. O'CONNOR.
WM. H. BROWN.
NICHOLAS JAMES, *Interpreter.*
ANDRÉ JAMES, *Interpreter.*

Executed on the part of the Yanktonais band of Sioux by the chiefs and head-men whose names are hereto subscribed, they being thereunto duly authorized:

MAH-TO-NON-PAH, his x mark, Two Bears.	[SEAL.]
MA-TO-HNA-SKIN-YA, his x mark, Mad Bear.	[SEAL.]
HE-OPU-ZA, his x mark, Lazy.	[SEAL.]
AH-KE-CHE-TAH-CHE-CA-DAN, his x mark, Little Soldier.	[SEAL.]
MAH-TO-E-TAN-CHAN, his x mark, Chief Bear.	[SEAL.]
CU-WI-H-WIN, his x mark, Rotten Stomach.	[SEAL.]
SKUN-KA-WE-TKO, his x mark, Fool Dog.	[SEAL.]
ISHTA-SAP-PAH, his x mark, Black Eye.	[SEAL.]
HI-TAN-CHAN, his x mark, The Chief.	[SEAL.]
I-A-WI-CA-KA, his x mark, The one who Tells the Truth.	[SEAL.]
AH-KE-CHE-TAH, his x mark, The Soldier.	[SEAL.]
TA-SHI-NA-GI, his x mark, Yellow Robe.	[SEAL.]
NAH-PE-TON-KA, his x mark, Big Hand.	[SEAL.]
CHAN-TEE-WE-KTO, his x mark, Fool heart.	[SEAL.]
HOH-GAN-SAH-PA, his x mark, Black Catfish.	[SEAL.]
MAH-TO-WAH-KAN, his x mark, Medicine Bear.	[SEAL.]
SHUN-KA-KAN-SHA, his x mark, Red Horse.	[SEAL.]
WAN-RODE, his x mark, The Eagle.	[SEAL.]
CAN-HI-SA-PA, his x mark, Black Tomahawk.	[SEAL.]
WAR-HE-LE-RE, his x mark, Yellow Eagle.	[SEAL.]
CHA-TON-CHE-CA, his x mark, Small Hawk, or Long Fare.	[SEAL.]
SHUG-GER-MON-ETOO-HA-SKA, his x mark, Tall Wolf.	[SEAL.]
MA-TO-U-TAH-KAH, his x mark, Sitting Bear.	[SEAL.]
HI-HA-CAH-GE-NA-SKENE, his x mark, Mad Elk.	[SEAL.]

Arapahocs.

LITTLE CHIEF, his x mark.	[SEAL.]
TALL BEAR, his x mark.	[SEAL.]
TOP MAN, his x mark.	[SEAL.]
NEVA, his x mark.	[SEAL.]
THE WOUNDED BEAR, his x mark.	[SEAL.]
THIRLWIND, his x mark.	[SEAL.]
THE FOX, his x mark.	[SEAL.]
THE DOG BIG MOUTH, his x mark.	[SEAL.]
SPOTTED WOLF, his x mark.	[SEAL.]

SORREL HORSE, his x mark.	[SEAL.]
BLACK COAL, his x mark.	[SEAL.]
BIG WOLF, his x mark.	[SEAL.]
KNOCK-KNEE, his x mark.	[SEAL.]
BLACK CROW, his x mark.	[SEAL.]
THE LONE OLD MAN, his x mark.	[SEAL.]
PAUL, his x mark.	[SEAL.]
BLACK BULL, his x mark.	[SEAL.]
BIG TRACK, his x mark.	[SEAL.]
THE FOOT, his x mark.	[SEAL.]
BLACK WHITE, his x mark.	[SEAL.]
YELLOW HAIR, his x mark.	[SEAL.]
LITTLE SHIELD, his x mark.	[SEAL.]
BLACK BEAR, his x mark.	[SEAL.]
WOLF MOCASSIN, his x mark.	[SEAL.]
BIG ROBE, his x mark.	[SEAL.]
WOLF CHIEF, his x mark.	[SEAL.]

Witnesses:

ROBT. P. MCKIBBIN,
Capt. & Inf. Bet. Lt. Col. U. S. A., Comdg. Ft. Laramie.
 WM. H. POWELL, *Bet. Mij. Capt. 4th Inf.*
 HENRY W. PATTERSON, *Capt. 4th Infy.*
 THOS. E. TRUE, *2d Lieut. 4th Inf.*
 W. G. BULLOCK.
 CHAS. E. GUERN, *Special Indian Interpreter for the Peace Commission.*

FORT LARAMIE, Wg. T., Nov. 6, 1868.

MAKII-PI-AH-LU-TAH, his x mark, Red Cloud.	[SEAL.]
WA-KI-AH-WE-CHIA-SIAH, his x mark, Thunder Man.	[SEAL.]
MA-ZAH-ZAH-GEH, his x mark, Iron Cane.	[SEAL.]
WA-UMBLE-WHY-WA-KA-TUYAH, his x mark,	[SEAL.]
High Eagle.	

KO-KE-PAH, his x mark, Man Afraid.	[SEAL.]
WA-KI-AH-WA-KOU-AH, his x mark,	[SEAL.]
Thunder Flying Running.	

Witnesses:

W. McE. DYE, *Bet. Col. U. S. A. Comg.*
 A. B. CAIN, *Capt. & Inf. Lt. Maj. U. S. A.*
 ROBT. P. MCKIBBIN, *Capt. & Inf. Bet. Lt. Col. U. S. A.*
 JNO. MILLER, *Capt. 4th Inf.*
 G. L. LEHN, *1st Lieut. 4th Inf. Bet. Capt. U. S. A.*
 H. C. SLOAN, *2d Lt. 4th Inf.*
 WHITTINGHAM COX, *1st Lieut. 4th Infy.*
 A. W. VOGDES, *1st Lt. 4th Infy.*
 BUTLER D. PRICE, *2d Lt. 4th Inf.*

HEADQUARTERS, FORT LARAMIE, Nov. 6, '68.

Executed by the above on this date.

All of the Indians are Ogallalabs excepting Thunder Man and Thunder Flying Running, who are Brulés.

WM. McE. DYE,
Maj. 4th Infy. and Bet. Col. U. S. A. Comg.

Attest:

JAS. C. O'CONNOR,
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*
 P. J. DE SMET, S. J., *Missionary among the Indians.*
 SAM'L. D. HINMAN, B. D., *Missionary.*

Executed on the part of the Uncapapa band of Sioux, by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

CO-KAM-I-YA-YA, his x mark, [SEAL.]

The Man that Goes in the Middle.

MA-TO-CA-WA-WEKSA, his x mark, Bear Rib. [SEAL.]

TA-TO-KA-IN-YAN-KE, his x mark, Running Antelope. [SEAL.]

KAN-GI-WA-KI-TA, his x mark, Looking Crow. [SEAL.]

A-KI-CI-TA-IIAN-SKA, his x mark, Long Soldier. [SEAL.]

WA-KU-TE-MA-NI, his x mark, The One who Shoots Walking. [SEAL.]

UN-KCA-KI-KA, his x mark, The Magpie. [SEAL.]

KAN-GI-O-TA, his x mark, Plenty Crow. [SEAL.]

HE-MA-ZA, his x mark, Iron Horn. [SEAL.]

SHUN-KA-I-NA-PIN, his x mark, Wolf Necklace. [SEAL.]

I-WE-III-YU, his x mark, The Man who Bleeds from the Mouth. [SEAL.]

HE-IIA-KA-PA, his x mark, Elk Head. [SEAL.]

I-ZU-ZA, his x mark, Grind Stone. [SEAL.]

SHUN-KA-WITKO, his x mark, Fool Dog. [SEAL.]

MA-KPI-YA-PO, his x mark, Blue Cloud. [SEAL.]

WA-MLN-PIL-I-TA, his x mark, Red Eagle. [SEAL.]

MA-TO-CAN-TE, his x mark, Bear's Heart. [SEAL.]

A-KI-CI-TA-I-TAU-CAN, his x mark, Chief Soldier. [SEAL.]

Attest:

JAS. C. O'CONNOR,
 NICHOLAS JANIS, *Interpreter.*
 FRANC. LA FRAMBOISE, *Interpreter.*
 P. J. DE SMET, S. J., *Missy, among the Indians.*
 SAM'L. D. HINMAN, *Missionary.*

Executed on the part of the Blackfeet band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

CAN-TE-PE-TA, his x mark, Fire Heart. [SEAL.]

WAN-MDI-KTE, his x mark, The One who Kills Eagle. [SEAL.]

SHO-TA, his x mark, Smoke. [SEAL.]

WAN-MDI-MA-NI, his x mark, Walking Eagle. [SEAL.]

WA-SHI-CUN-YA-TA-PI, his x mark, Chief White Man. [SEAL.]

KAN-GI-I-YO-TAN-KE, his x mark, Sitting Crow. [SEAL.]

PE-JI, his x mark, The Grass. [SEAL.]

KDA-MA-NI, his x mark, The One that Rattles as he Walks. [SEAL.]

WAI-IIAN-KA-SA-PA, his x mark, Black Shield. [SEAL.]

CAN-TE-NON-PA, his x mark, Two Hearts. [SEAL.]

Attest:

JAS. C. O'CONNOR.

NICHOLAS JANIS, *Interpreter.*FRANC. LA FRAMBOISE, *Interpreter.*P. J. DE SMET, S. J., *Missy. among the Indians.*SAML. D. HINMAN, *Missionary.*

Executed on the part of the Cutheads band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

TO-KA-IN-YAN-KA, his x mark, [SEAL.]

The One who Goes Ahead Running.

TA-TAN KA-WA-KIN-YAN, his x mark, Thunder Bull. [SEAL.]

SIN-TO-MIN-SA-PA, his x mark, All over Black. [SEAL.]

CAN-LCA, his x mark, The One who Took the Stick. [SEAL.]

PA-TAN-KA, his x mark, Big Head. [SEAL.]

Attest:

JAS. C. O'CONNOR.

NICHOLAS JANIS, *Interpreter.*FRANC. LA FRAMBOISE, *Interpreter.*P. J. DE SMET, S. J., *Missy. among the Indians.*SAML. D. HINMAN, *Missionary.*

Executed on the part of the Two Kettle band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

MA-WA-TAN-NI-HAN-SKA, his x mark, Long Mandan. [SEAL.]

CAN-KPE-DU-TA, his x mark, Red War Club. [SEAL.]

CAN-KA-GA, his x mark, The Log. [SEAL.]

Attest:

JAS. C. O'CONNOR.

NICHOLAS JANIS, *Interpreter.*FRANC. LA FRAMBOISE, *Interpreter.*P. J. DE SMET, S. J., *Missy. among the Indians.*SAML. D. HINMAN, *Missionary to the Dakotas.*

Executed on the part of the Sais Arch band of Sioux by the chiefs and headmen whose names are hereto annexed, they being thereunto duly authorized.

HE-NA-PIN-WA-NI-CA, his x mark, [SEAL.]

The One that has Neither Horn.

WA-INLU-PI-LU-TA, his x mark, Red Plume [SEAL.]

CI-TAN-GL, his x mark, Yellow Hawk. [SEAL.]

HE-NA-PIN-WA-NI-CA, his x mark, No Horn. [SEAL.]

Attest:

JAS. C. O'CONNOR.

NICHOLAS JANIS, *Interpreter.*FRANC. LA FRAMBOISE, *Interpreter.*P. J. DE SMET, S. J., *Missy. among the Indians.*SAML. D. HINMAN, *Missionary.*

Executed on the part of the Santee band of Sioux by the chiefs and headmen whose names are hereto subscribed, they being thereunto duly authorized.

WA-PAH-SHAW, his x mark, Red Ensign.	[SEAL.]
WAIH-KOO-TAY, his x mark, Shooter.	[SEAL.]
HOO-SHA-SHA, his x mark, Red Legs.	[SEAL.]
O-WAN-CHA-DU-TA, his x mark, Scarlet all over	[SEAL.]
WAU-MACE-TAN-KA, his mark x, Big Eagle.	[SEAL.]
CHO-TAN-KA-E-NA-PE, his x mark, Flute-player.	[SEAL.]
TA-SHUN-KE-MO-ZA, his x mark, His Iron Dog.	[SEAL.]

Attest:

SAML. D. HENMAN, B. D., *Missionary*.
 J. N. CHICKERING, 2d Lt. 22d Infy., *Bvt. Capt. U. S. A.*
 P. J. DE SMET, S. J.
 NICHOLAS JANIS, *Interpreter*.
 FRANC. LA FRAMBOISE, *Interpreter*.

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of February, one thousand eight hundred and sixty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
 February 16, 1869.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the different bands of the Sioux Nation of Indians, made and concluded the 29th April, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of February, in the year
 [SEAL.] of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.

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TREATY
BETWEEN
THE UNITED STATES OF AMERICA
AND THE
CROW TRIBE OF INDIANS.

CONCLUDED MAY 7, 1868.
RATIFICATION ADVISED JULY 25, 1868.
PROCLAIMED AUGUST 12, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING.

Whereas a Treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W. T. Sherman, Brevet Major General William S. Harney, Brevet Major General Alfred H. Terry, Brevet Major General C. C. Augur, John B. Sanborn, and S. F. Tappan, Commissioners, on the part of the United States, and Che-Ra-Pee-Ish-Ka-Te, Chat-Sta-He, and other Chiefs and Headmen of the Crow tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded at Fort Laramie, Dakota Territory, on the seventh day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned Commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Crow Indians, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites or among other people, subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they refuse wilfully so to do the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian

Affairs, and no one acting in violation, or because of his violating, the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit: commencing where the 107th degree of longitude west of Greenwich crosses the south boundary of Montana Territory; thence north along said 107th meridian to the mid-channel of the Yellowstone river; thence up said mid-channel of the Yellowstone to the point where it crosses the said southern boundary of Montana, being the 45th degree of north latitude; and thence east along said parallel of latitude to the place of beginning, shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons, except those herein designated and authorized so to do, and except such officers, agents, and employes of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and heretoforth they will, and do hereby, relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

ARTICLE III.

The United States agrees, at its own proper expense, to construct on the south side of the Yellowstone, near Otter creek, a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, to cost not exceeding three thousand dollars; a residence for the physician, to cost not more than three thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building, so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not exceeding eight thousand dollars.

ARTICLE IV.

The Indians herein named agree, when the agency house and other buildings shall be constructed on the reservation named, they will make said reservation their permanent home, and they will make no permanent settlement elsewhere, but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon and as long as peace subsists among the whites and Indians on the borders of the hunting districts.

ARTICLE V.

The United States agrees that the agent for said Indians shall in the future make his home at the agency building; that he shall reside among them and keep an office open at all times for the purpose of prompt and diligent inquiry into

such matters of complaint against the Indians, as may be presented for investigation under the provisions of their treaty stipulations, he shall, for the faithful discharge of other duties enjoined on him by law. In all cases of depredation on person or property, he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate, containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Crow Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations and the internal police thereof, as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are, or may be, settled on said agricultural reservation and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred

dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

ARTICLE IX.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservation herein provided for, on the first day of September of each year for thirty years, the following articles, to wit:

For each male person, over fourteen years of age, a suit of good, substantial woolen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woolen socks.

For each female, over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent, each year, to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as, from time to time, the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing, under this article, can be appropriated to better uses for the tribe herein named, Congress may, by law, change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall, annually, detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation, and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date. And it is further stipulated, that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one good, well-broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

ARTICLE X.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XI.

No treaty for the cession of any portion of the reservation herein described, which may be held in common, shall be of any force or validity as against the said Indians unless executed and signed by, at least, a majority of all the adult male Indians occupying or interested in the same, and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him as provided in article VI of this treaty.

ARTICLE XII.

It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN, *Lt. Genl.*

WM. S. HARNEY,

Bvt. Majr. Gen. & Peace Commissioner.

ALFRED H. TERRY, *Bvt. M. Genl.*

C. C. AUGUR, *Bvt. Maj. Genl.*

JOHN B. SANBORN.

S. F. TAPPAN.

ASHTON S. H. WHITE, *Secretary.*

CHE-RA-PEE-ISH-KA-TE, Pretty Bull,	his x mark,	[SEAL.]
CHAT-STA-HE, Wolf Bow,	his x mark,	[SEAL.]
AH-BE-CHE-SE, Mountain Tail,	his x mark,	[SEAL.]
KAM-NE-BUT-SA, Black Foot,	his x mark,	[SEAL.]
DE-SAL-ZE-CHO-SE, White Horse,	his x mark,	[SEAL.]
CHIN-KA-SHE-ARACHE, Poor Elk,	his x mark,	[SEAL.]
E-SA-WOOR, Shot in the Jaw,	his x mark,	[SEAL.]
E-SHA-CHOSE, White Forehead,	his x mark,	[SEAL.]
— ROO-KA, Pounded Meat,	his x mark,	[SEAL.]
DE-KA-KE-UP-SE, Bird in the Neck,	his x mark,	[SEAL.]
ME-NA-CHIE, The Swan,	his x mark,	[SEAL.]

Attest:

GEORGE B. WILLIS, *Photographer.*

JOHN D. HOWLAND.

ALEX. GARDNER.

DAVID KNOX.

CHAR. FREEMAN.

JAS. C. O'CONNOR.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-

fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the tle Treaty between the United States and the Crow Indians of Montana Territory, made the seventh day of May, 1868.

Attest:

GEO. C. GORHAM,

Secretary,

By W. J. McDONALD,

Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

W. HUNTER,

Acting Secretary of State.

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T R E A T Y

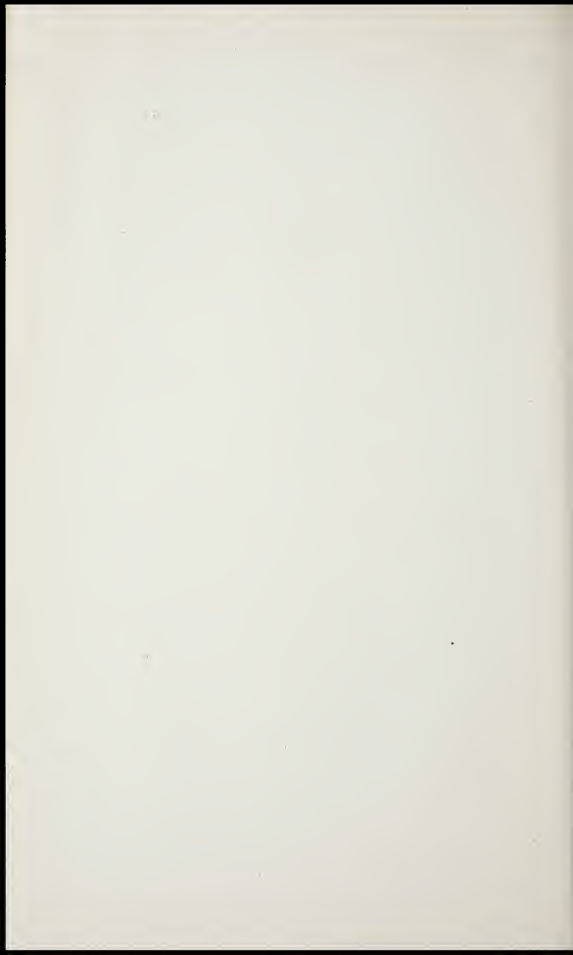
B E T W E E N

THE UNITED STATES OF AMERICA

A N D T H E

NORTHERN CHEYENNE AND NORTHERN ARAPAHOE
TRIBES OF INDIANS.

CONCLUDED MAY 10, 1865.
RATIFICATION ADVISED JULY 25, 1868.
PROCLAIMED AUGUST 25, 1868.





ANDREW JOHNSON.

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a treaty was made and concluded at Fort Laramie, in the Territory of Dakota, on the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General William T. Sherman, Brevet Major General William S. Harney, Brevet Major General Alfred H. Terry, Brevet Major General C. C. Augur, John B. Sanborn, and S. F. Tappan, Commissioners, on the part of the United States, and Wah-Toh-Nah, Bah-Ta-Che, and other Chiefs and Headmen of the Northern Cheyenne and Northern Arapahoe tribes of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty made and concluded at Fort Laramie, Dakota Territory, on the tenth day of May, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and headmen of and representing the Northern Cheyenne and Northern Arapahoe Indians, they being duly authorized to act in the premises.

ARTICLE I.

From this day forward peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Indians herein named solemnly

agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

The Indians, parties to this treaty, hereby agree to accept for their permanent home some portion of the tract of country set apart and designated as a permanent reservation for the Southern Cheyenne and Arapahoe Indians by a treaty entered into by and between them and the United States, at Medicine Lodge creek, on the — day of October, 1867, or some portion of the country and reservation set apart and designated as a permanent home for the Brulé and other bands of Sioux Indians, by a treaty entered into by and between said Indians and the United States, at Fort Laramie, D. T., on the 29th day of April, 1868. And the Northern Cheyenne and Arapahoe Indians do hereby relinquish, release, and surrender to the United States all right, claim, and interest in and to all territory outside the two reservations above mentioned, except the right to roan and hunt while game shall be found in sufficient quantities to justify the chase. And they do solemnly agree that they will not build any permanent homes outside of said reservations, and that within one year from this date they will attach themselves permanently either to the agency provided for near the mouth of Medicine Lodge creek, or to the agency about to be established on the Missouri river, near Fort Randall, or to the Crow agency near Otter creek, on the Yellowstone river, provided for by treaty of the seventh day of May, 1868, entered into by and between the United States and said Crow Indians, at Fort Laramie, D. T.; and it is hereby expressly understood that one portion of said Indians may attach themselves to one of the aforementioned reservations, and another portion to another of said reservations, as each part or portion of said Indians may elect.

ARTICLE III.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservations not exceeding three hundred and twenty acres in extent, which tract, when so selected, certified, and recorded in the "Land Book" as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Northern Cheyenne and Arappahoe Land Book."

The President may, at any time, order a survey of the reservation; and when so surveyed, Congress shall provide for protecting the rights of settlers in their improvements, and may fix the character of the title held by each.

The United States may pass such laws on the subject of alienation and descent of property as between Indians and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof as may be thought proper.

ARTICLE IV.

In order to insure the civilization of the tribe entering into this treaty, the necessity of education is admitted, especially by such of them as are or may be settled on said agricultural reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children, between said ages, who can be induced or compelled to attend school, a house shall be provided, and a teacher, competent to teach the elementary branches of an English education, shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

ARTICLE V.

When the head of a family or lodge shall have selected lands, and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year in value one hundred dollars, and for each succeeding year he shall continue to farm for a period of three years more he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmer herein provided for, and whenever more than one hundred persons shall enter upon the cultivation of the soil a second blacksmith shall be provided, with such iron, steel, and other material as may be needed.

ARTICLE VI.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house, on the reservations herein provided for, on the first day of September of each year, for thirty years, the following articles, to wit:

For each male person over fourteen years of age, a suit of good substantial woolen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woolen socks.

For each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woolen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woolen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimates from year to year can be based.

And, in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming, and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if, at any time within the ten years, it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods, herein named, to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery; and it is expressly stipulated that each Indian over the age of four years, who shall have removed to and settled permanently upon said reservation and complied with the stipulations of this treaty, shall be entitled to receive from the United States, for the period of four years after he shall have settled upon said reservation, one pound of meat and one pound of flour per day, provided the Indians cannot furnish their own subsistence at an earlier date; and it is further stipulated that the United States will furnish and deliver to each lodge of Indians, or family of persons legally incorporated with them, who shall remove to the reservation herein described and commence farming, one good American cow and one well broken pair of American oxen, within sixty days after such lodge or family shall have so settled upon said reservation.

ARTICLE VII.

The United States hereby agrees to furnish annually to the Indians who settle upon the reservation a physician, teachers, carpenter, miller, engineer, farmer, and blacksmiths, as herein contemplated, and that such appropriations shall be made from time to time on the estimates of the Secretary of the Interior as will be sufficient to employ such persons.

ARTICLE VIII.

No treaty for the cession of any portion of the reservations herein described, which may be held in common, shall be of any force or validity as against the said Indians, unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his right to any tract of land selected by him, as hereinbefore provided.

ARTICLE IX.

It is agreed that the sum of five hundred dollars annually for three years, from the date when they commenced to cultivate a farm, shall be expended in presents to the ten persons of said tribe who, in the judgment of the agent, may grow the most valuable crops for the respective year.

W. T. SHERMAN,
Lt. Gen'l.
WM. S. HARNEY,
Bvt. Maj. Gen. U. S. A.
ALFRED H. TERRY,
Bvt. M. Gen'l.
C. C. AUGUR,
Bvt. Maj. Gen'l.
JOHN B. SANBORN,
S. F. TAPPAN,
Commissioners.

Attest :

ASHTON S. H. WHITE, *Secretary.*

Wah-tah-nah,	Black Bear.	his x mark.	[SEAL.]
Bah-ta-che.	Medicine Man.	his x mark.	[SEAL.]
Oh-cum-ga-che.	Little Wolf.	his x mark.	[SEAL.]
Ichs-tah-en.	Short Hair.	his x mark.	[SEAL.]
Nou-ne-se-be,	Sorrel Horse.	his x mark.	[SEAL.]
Ka-te-u-nan,	The Under Man.	his x mark.	[SEAL.]
Ah-che-e-wah,	The Man in the Sky.	his x mark.	[SEAL.]
We-ah-se-vose,	The Big Wolf.	his x mark.	[SEAL.]
Ches-ne-on-e-ah,	The Bean.	his x mark.	[SEAL.]
Mat-ah-ne-we-tah,	The Man that falls from his horse.	his x mark.	[SEAL.]
Oh-e-na-ku.	White Crow.	his x mark.	[SEAL.]
A-che-kan-koo-eni,	Little Shield.	his x mark.	[SEAL.]
Tah-me-la-pash-me, or	Dull Knife.	his x mark.	[SEAL.]

Attest :

GEORGE B. WILLIS, *Phonographer.*
JOHN D. HOWLAND.
ALEX. GARDNER.
DAVID KNOX.
CHAS. FREEMAN.
JAS. C. O'CONNOR.

And whereas the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same by a resolution, in the words and figures following, to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and

the Northern Cheyenne and Northern Arapaho[e] Indians, made the tenth day of May, 1868.

Attest :

GEO. C. GORHAM,

Secretary,

By W. J. McDONALD,

Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said Treaty.

In testimony whereof, I have hereto signed my name and caused the seal of the United States to be affixed.

Done at the city of Washington this twenty-fifth day of August, in the [SEAL] year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President :

WILLIAM H. SEWARD,

Secretary of State.

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T R E A T Y

B E T W E E N

THE UNITED STATES OF AMERICA

A N D T H E

NAVAJO TRIBE OF INDIANS.

CONCLUDED JUNE 1, 1868.
RATIFICATION ADVISED JULY 25, 1868.
PROCLAIMED AUGUST 12, 1868.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING :

Whereas a Treaty was made and concluded at Fort Sumner, in the Territory of New Mexico, on the first day of June, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Lieutenant General W. T. Sherman and Samuel F. Tappan, Commissioners, on the part of the United States, and Barboncito, Armijo, and other Chiefs and Headmen of the Navajo tribe of Indians, on the part of said Indians, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a Treaty and Agreement made and entered into at Fort Sumner, New Mexico, on the first day of June, 1868, by and between the United States, represented by its Commissioners, Lieutenant General W. T. Sherman and Colonel Samuel F. Tappan, of the one part, and the Navajo nation or tribe of Indians, represented by their Chiefs and Headmen, duly authorized and empowered to act for the whole people of said nation or tribe, (the names of said Chiefs and Headmen being hereto subscribed,) of the other part, witness:

ARTICLE I.

From this day forward all war between the parties to this agreement shall forever cease. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they now pledge their honor to keep it.

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington city, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also to reimburse the injured persons for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States and at peace therewith, the Navajo tribe agree that they will, on proof made to their agent, and on notice by him, deliver up the wrongdoer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to them under this treaty, or any others that may be made with the United States. And the President may prescribe such rules and regulations for ascertaining damages under this article as in his judgment may be proper; but no such damage shall

be adjusted and paid until examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss whilst violating, or because of his violating, the provisions of this treaty or the laws of the United States, shall be reimbursed therefor.

ARTICLE II.

The United States agrees that the following district of country, to wit: bounded on the north by the 37th degree of north latitude, south by an east and west line passing through the site of old Fort Defiance, in Cañon Bonito, east by the parallel of longitude which, if prolonged south, would pass through old Fort Lyon, or the Ojo-de-oso, Bear Spring, and west by a parallel of longitude about 109° 30' west of Greenwich, provided it embraces the outlet of the Cañon-de-Chilly, which cañon is to be all included in this reservation, shall be, and the same is hereby, set apart for the use and occupation of the Navajo tribe of Indians, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States agrees that no persons except those herein so authorized to do, and except such officers, soldiers, agents, and employes of the government, or of the Indians, as may be authorized to enter upon Indian reservations in discharge of duties imposed by law, or the orders of the President, shall ever be permitted to pass over, settle upon, or reside in, the territory described in this article.

ARTICLE III.

The United States agrees to cause to be built at some point within said reservation, where timber and water may be convenient, the following buildings: a warehouse, to cost not exceeding twenty-five hundred dollars; an agency building for the residence of the agent, not to cost exceeding three thousand dollars; a carpenter shop and blacksmith shop, not to cost exceeding one thousand dollars each; and a school-house and chapel, so soon as a sufficient number of children can be induced to attend school, which shall not cost to exceed five thousand dollars.

ARTICLE IV.

The United States agrees that the agent for the Navajos shall make his home at the agency building; that he shall reside among them and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by or against the Indians as may be presented for investigation, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE V.

If any individual belonging to said tribe, or legally incorporated with it, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within said reservation, not exceeding one hundred and sixty acres in extent, which tract, when so selected, certified, and recorded in the "land

book" as herein described, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select, and cause to be certified to him or her for purposes of cultivation, a quantity of land, not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above directed.

For each tract of land so selected a certificate containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office, subject to inspection, which said book shall be known as the "Navajo Land Book."

The President may at any time order a survey of the reservation, and, when so surveyed, Congress shall provide for protecting the rights of said settlers in their improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property between the Indians and their descendants as may be thought proper.

ARTICLE VI.

In order to insure the civilization of the Indians entering into this treaty, the necessity of education is admitted, especially of such of them as may be settled on said agricultural parts of this reservation, and they therefore pledge themselves to compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with: and the United States agrees that, for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided, and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians, and faithfully discharge his or her duties as a teacher.

The provisions of this article to continue for not less than ten years.

ARTICLE VII.

When the head of a family shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, not exceeding in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of two years, he shall be entitled to receive seeds and implements to the value of twenty-five dollars.

ARTICLE VIII.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named under any treaty or treaties heretofore made, the United States agrees to deliver at the agency house on the reservation herein named, on the first day of September of each year for ten years, the following articles, to wit:

Such articles of clothing, goods, or raw materials in lieu thereof, as the agent may make his estimate for, not exceeding in value five dollars per Indian—each

Indian being encouraged to manufacture their own clothing, blankets, &c.: to be furnished with no article which they can manufacture themselves. And, in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based.

And in addition to the articles herein named, the sum of ten dollars for each person entitled to the beneficial effects of this treaty shall be annually appropriated for a period of ten years, for each person who engages in farming or mechanical pursuits, to be used by the Commissioner of Indian Affairs in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper; and if within the ten years at any time it shall appear that the amount of money needed for clothing, under the article, can be appropriated to better uses for the Indians named herein, the Commissioner of Indian Affairs may change the appropriation to other purposes, but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named, provided they remain at peace. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

ARTICLE IX.

In consideration of the advantages and benefits conferred by this treaty, and the many pledges of friendship by the United States, the tribes who are parties to this agreement hereby stipulate that they will relinquish all right to occupy any territory outside their reservation, as herein defined, but retain the right to hunt on any unoccupied lands contiguous to their reservation, so long as the large game may range thereon in such numbers as to justify the chase; and they, the said Indians, further expressly agree:

1st. That they will make no opposition to the construction of railroads now being built or hereafter to be built, across the continent.

2nd. That they will not interfere with the peaceful construction of any railroad not passing over their reservation as herein defined.

3rd. That they will not attack any persons at home or travelling, nor molest or disturb any wagon trains, coaches, mules or cattle belonging to the people of the United States, or to persons friendly therewith.

4th. That they will never capture or carry off from the settlements women or children.

5th. They will never kill or scalp white men, nor attempt to do them harm.

6th. They will not in future oppose the construction of railroads, wagon roads, mail stations, or other works of utility or necessity which may be ordered or permitted by the laws of the United States; but should such roads or other works be constructed on the lands of their reservation, the government will pay the tribe whatever amount of damage may be assessed by three disinterested commissioners to be appointed by the President for that purpose, one of said commissioners to be a chief or head man of the tribe.

7th. They will make no opposition to the military posts or roads now established, or that may be established, not in violation of treaties heretofore made or hereafter to be made with any of the Indian tribes.

ARTICLE X.

No future treaty for the cession of any portion or part of the reservation herein described, which may be held in common, shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive, without his consent, any individual member of the tribe of his rights to any tract of land selected by him as provided in article — of this treaty.

ARTICLE XI.

The Navajos also hereby agree that at any time after the signing of these presents they will proceed in such manner as may be required of them by the agent, or by the officer charged with their removal, to the reservation herein provided for, the United States paying for their subsistence en route, and providing a reasonable amount of transportation for the sick and feeble.

ARTICLE XII.

It is further agreed by and between the parties to this agreement that the sum of one hundred and fifty thousand dollars appropriated or to be appropriated shall be disbursed as follows, subject to any conditions provided in the law, to wit:

1st. The actual cost of the removal of the tribe from the Bosque Redondo reservation to the reservation, say fifty thousand dollars.

2nd. The purchase of fifteen thousand sheep and goats, at a cost not to exceed thirty thousand dollars.

3rd. The purchase of five hundred beef cattle and a million pounds of corn, to be collected and held at the military post nearest the reservation, subject to the orders of the agent, for the relief of the needy during the coming winter.

4th. The balance, if any, of the appropriation to be invested for the maintenance of the Indians pending their removal, in such manner as the agent who is with them may determine.

5th. The removal of this tribe to be made under the supreme control and direction of the military commander of the Territory of New Mexico, and when completed, the management of the tribe to revert to the proper agent.

ARTICLE XIII.

The tribe herein named, by their representatives, parties to this treaty, agree to make the reservation herein described their permanent home, and they will not as a tribe make any permanent settlement elsewhere, reserving the right to hunt on the lands adjoining the said reservation formerly called theirs, subject to the modifications named in this treaty and the orders of the commander of the department in which said reservation may be for the time being; and it is further agreed and understood by the parties to this treaty, that if any Navajo Indian or Indians shall leave the reservation herein described to settle elsewhere, he or they shall forfeit all the rights, privileges, and annuities conferred by the terms of this treaty; and it is further agreed by the parties to this treaty, that they will do all they can to induce Indians now away from reservations set apart for the exclusive use and occupation of the Indians, leading a nomadic life, or engaged in war against the people of the United States, to abandon such a life and settle permanently in one of the territorial reservations set apart for the exclusive use and occupation of the Indians.

In testimony of all which the said parties have hereunto, on this the first day of June, eighteen hundred and sixty-eight, at Fort Sumner, in the Territory of New Mexico, set their hands and seals.

W. T. SHERMAN,
Lt. Gen'l, Indian Peace Commissioner.
S. F. TAPPAN,
Indian Peace Commissioner.

BARBONCITO. Chief.	his x mark.
ARMIJO.	his x mark.
DELGADO.	
MANUELITO.	his x mark.
LARGO.	his x mark.
HERRERO.	his x mark.
CHIQUETO.	his x mark.
MUERTO DE HOMBRE.	his x mark.
HOMBRO.	his x mark.
NARBONO.	his x mark.
NARBONO SEGUNDO.	his x mark.
GAÑADO MUCHO.	his x mark.

Council.

RIQUO.	his x mark.
JUAN MARTIN.	his x mark.
SERGINTO.	his x mark.
GRANDE.	his x mark.
INOETENITO.	his x mark.
MUCHACHOS MUCHO.	his x mark.
CHIQUETO SEGUNDO.	his x mark.
CABELLO AMARILLO.	his x mark.
FRANCISCO.	his x mark.
TORRIVIO.	his x mark.
DESDENDADO.	his x mark.
JUAN.	his x mark.
GUERO.	his x mark.
GUGADORE.	his x mark.
CABASON.	his x mark.
BARBON SEGUNDO.	his x mark.
CABARES COLORADOS.	his x mark.

Attest:

GEO. W. G. GETTY,
Col. 37th Inf'y, Bt. Maj. Gen'l U. S. A.
B. S. ROBERTS,
Bt. Brg. Gen'l U. S. A., Lt. Col. 3d Cav'y.
J. COOPER MCKEE,
Bt. Lt. Col. Surgeon U. S. A.
THEO. H. DODD,
U. S. Indian Ag't for Navajos.
CHAS. MCCLURE,
Bt. Maj. and C. S. U. S. A.
JAMES F. WEEDS,
Bt. Maj. and Asst. Surg. U. S. A.
J. C. SUTHERLAND,
Interpreter.
WILLIAM VAUX,
Chaplain U. S. A.

And whereas, the said treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the twenty-fifth day of July, one thousand eight hundred and sixty-eight, advise and consent to the ratification of the same, by a resolution in the words and figures following to wit :

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,

July 25, 1868.

Resolved, (two-thirds of the senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Navajo Indians, concluded at Fort Sumner, New Mexico, on the first day of June, 1868.

Attest:

GEO. C. GORHAM,

Secretary.

By W. J. McDONALD,

Chief Clerk.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the twenty-fifth of July, one thousand eight hundred and sixty-eight, accept, ratify, and confirm the said treaty.

In testimony whereof, I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the City of Washington, this twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President :

W. HUNTER,

Acting Secretary of State.



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TREATY

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

EASTERN BAND OF SHOSHONEES AND THE BANNACK TRIBE OF INDIANS.

CONCLUDED JULY 3, 1868.
RATIFICATION ADVISED FEBRUARY 16, 1869.
PROCLAIMED FEBRUARY 24, 1869.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a Treaty was made and concluded at Fort Bridger, in the Territory of Utah, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, William T. Sherman, William S. Harney, John B. Sanborn, S. F. Tappan, C. C. Augar, and Alfred H. Terry, Commissioners, on the part of the United States, and Wash-akie, Wan-ni-pitz, and other Chiefs and Headmen of the Eastern Band of Shoshonee Indians, and Tag-gee, Tay-to-ha, and other Chiefs and Headmen of the Bannack Tribe of Indians, on the part of said band and tribe of Indians respectively, and duly authorized thereto by them, which Treaty is in the words and figures following, to wit:

Articles of a treaty with the Shoshonee (Eastern Band) and Bannack tribes of Indians, made the third day of July, 1868, at Fort Bridger, Utah Ter.

Articles of a treaty made and concluded at Fort Bridger, Utah Territory, on the third day of July, in the year of our Lord one thousand eight hundred and sixty-eight, by and between the undersigned commissioners on the part of the United States, and the undersigned chiefs and head-men of and representing the Shoshonee (eastern band) and Bannack tribes of Indians, they being duly authorized to act in the premises:

ARTICLE I.

From this day forward, peace between the parties to this treaty shall forever continue. The government of the United States desires peace, and its honor is hereby pledged to keep it. The Indians desire peace, and they hereby pledge their honor to maintain it. If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also reimburse the injured person for the loss sustained.

If bad men among the Indians shall commit a wrong or depredation upon the person or property of any one, white, black, or Indian, subject to the authority of the United States, and at peace therewith, the Indians herein named solemnly agree that they will, on proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws; and in case they wilfully refuse so to do, the person injured shall be reimbursed for his loss from the annuities or other moneys due or to become due to

them under this or other treaties made with the United States. And the President, on advising with the Commissioner of Indian Affairs, shall prescribe such rules and regulations for ascertaining damages under the provisions of this article as in his judgment may be proper. But no such damages shall be adjusted and paid until thoroughly examined and passed upon by the Commissioner of Indian Affairs, and no one sustaining loss while violating or because of his violating the provisions of this treaty or the laws of the United States shall be reimbursed therefor.

ARTICLE II.

It is agreed that whenever the Bannacks desire a reservation to be set apart for their use, or whenever the President of the United States shall deem it advisable for them to be put upon a reservation, he shall cause a suitable one to be selected for them in their present country, which shall embrace reasonable portions of the "Port neuf" and "Kansas Prairie" countries, and that, when this reservation is declared, the United States will secure to the Bannacks the same rights and privileges therein, and make the same and like expenditures therein for their benefit, except the agency house and residence of agent, in proportion to their numbers, as herein provided for the Shoshonee reservation. The United States further agrees that the following district of country, to wit: commencing at the mouth of Owl creek and running due south to the crest of the divide between the Sweetwater and Papo Agie rivers; thence along the crest of said divide and the summit of Wind River mountains to the longitude of North Fork of Wind river; thence due north to mouth of said North Fork and up its channel to a point twenty miles above its mouth; thence in a straight line to headwaters of Owl creek and along middle of channel of Owl creek to place of beginning, shall be and the same is set apart for the absolute and undisturbed use and occupation of the Shoshonee Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit amongst them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employees of the government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article for the use of said Indians, and henceforth they will and do hereby relinquish all title, claims, or rights in and to any portion of the territory of the United States, except such as is embraced within the limits aforesaid.

ARTICLE III.

The United States agrees, at its own proper expense, to construct at a suitable point on the Shoshonee reservation a warehouse or storeroom for the use of the agent in storing goods belonging to the Indians, to cost not exceeding two thousand dollars; an agency building for the residence of the agent, to cost not exceeding three thousand; a residence for the physician, to cost not more than two thousand dollars; and five other buildings, for a carpenter, farmer, blacksmith, miller, and engineer, each to cost not exceeding two thousand dollars; also a school-house or mission building so soon as a sufficient number of children can be induced by the agent to attend school, which shall not cost exceeding twenty-five hundred dollars.

The United States agrees further to cause to be erected on said Shoshonee reservation, near the other buildings herein authorized, a good steam circular saw-mill, with a grist-mill and shingle machine attached, the same to cost not more than eight thousand dollars.

ARTICLE IV.

The Indians herein named agree, when the agency house and other buildings shall be constructed on their reservations named, they will make said reservations their permanent home, and they will make no permanent settlement elsewhere; but they shall have the right to hunt on the unoccupied lands of the United States so long as game may be found thereon, and so long as peace subsists among the whites and Indians on the borders of the hunting districts.

ARTICLE V.

The United States agrees that the agent for said Indians shall in the future make his home at the agency building on the Shoshonee reservation, but shall direct and supervise affairs on the Bannack reservation; and shall keep an office open at all times for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians as may be presented for investigation under the provisions of their treaty stipulations, as also for the faithful discharge of other duties enjoined by law. In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his finding, to the Commissioner of Indian Affairs, whose decision shall be binding on the parties to this treaty.

ARTICLE VI.

If any individual belonging to said tribes of Indians, or legally incorporated with them, being the head of a family, shall desire to commence farming, he shall have the privilege to select, in the presence and with the assistance of the agent then in charge, a tract of land within the reservation of his tribe, not exceeding three hundred and twenty acres in extent, which tract so selected, certified, and recorded in the "land book," as herein directed, shall cease to be held in common, but the same may be occupied and held in the exclusive possession of the person selecting it, and of his family, so long as he or they may continue to cultivate it.

Any person over eighteen years of age, not being the head of a family, may in like manner select and cause to be certified to him or her, for purposes of cultivation, a quantity of land not exceeding eighty acres in extent, and thereupon be entitled to the exclusive possession of the same as above described. For each tract of land so selected a certificate, containing a description thereof, and the name of the person selecting it, with a certificate endorsed thereon that the same has been recorded, shall be delivered to the party entitled to it by the agent, after the same shall have been recorded by him in a book to be kept in his office subject to inspection, which said book shall be known as the "Shoshonee (eastern band) and Bannack Land Book."

The President may at any time order a survey of these reservations, and when so surveyed Congress shall provide for protecting the rights of the Indian settlers in these improvements, and may fix the character of the title held by each. The United States may pass such laws on the subject of alienation and descent of property as between Indians, and on all subjects connected with the government of the Indians on said reservations, and the internal police thereof, as may be thought proper.

ARTICLE VII.

In order to insure the civilization of the tribes entering into this treaty, the necessity of education is admitted, especially of such of them as are or may be settled on said agricultural reservations, and they therefore pledge themselves to

compel their children, male and female, between the ages of six and sixteen years, to attend school; and it is hereby made the duty of the agent for said Indians to see that this stipulation is strictly complied with; and the United States agrees that for every thirty children between said ages who can be induced or compelled to attend school, a house shall be provided and a teacher competent to teach the elementary branches of an English education shall be furnished, who will reside among said Indians and faithfully discharge his or her duties as a teacher. The provisions of this article to continue for twenty years.

ARTICLE VIII.

When the head of a family or lodge shall have selected lands and received his certificate as above directed, and the agent shall be satisfied that he intends in good faith to commence cultivating the soil for a living, he shall be entitled to receive seeds and agricultural implements for the first year, in value one hundred dollars, and for each succeeding year he shall continue to farm, for a period of three years more, he shall be entitled to receive seeds and implements as aforesaid in value twenty-five dollars per annum.

And it is further stipulated that such persons as commence farming shall receive instructions from the farmers herein provided for, and whenever more than one hundred persons on either reservation shall enter upon the cultivation of the soil, a second blacksmith shall be provided, with such iron, steel, and other material as may be required.

ARTICLE IX.

In lieu of all sums of money or other annuities provided to be paid to the Indians herein named, under any and all treaties heretofore made with them, the United States agrees to deliver at the agency house on the reservation herein provided for, on the first day of September of each year, for thirty years, the following articles to wit: for each male person over fourteen years of age, a suit of good substantial woollen clothing, consisting of coat, hat, pantaloons, flannel shirt, and a pair of woollen socks; for each female over twelve years of age, a flannel skirt, or the goods necessary to make it, a pair of woollen hose, twelve yards of calico, and twelve yards of cotton domestics.

For the boys and girls under the ages named, such flannel and cotton goods as may be needed to make each a suit as aforesaid, together with a pair of woollen hose for each.

And in order that the Commissioner of Indian Affairs may be able to estimate properly for the articles herein named, it shall be the duty of the agent each year to forward to him a full and exact census of the Indians, on which the estimate from year to year can be based; and in addition to the clothing herein named, the sum of ten dollars shall be annually appropriated for each Indian roaming and twenty dollars for each Indian engaged in agriculture, for a period of ten years, to be used by the Secretary of the Interior in the purchase of such articles as from time to time the condition and necessities of the Indians may indicate to be proper. And if at any time within the ten years it shall appear that the amount of money needed for clothing under this article can be appropriated to better uses for the tribes herein named, Congress may by law change the appropriation to other purposes; but in no event shall the amount of this appropriation be withdrawn or discontinued for the period named. And the President shall annually detail an officer of the army to be present and attest the delivery of all the goods herein named to the Indians, and he shall inspect and report on the quantity and quality of the goods and the manner of their delivery.

ARTICLE X.

The United States hereby agrees to furnish annually to the Indians the physician, teachers, carpenter, miller, engineer, farmer, and blacksmith, as herein contemplated, and that such appropriations shall be made from time to time, on the estimates of the Secretary of the Interior, as will be sufficient to employ such persons.

ARTICLE XI.

No treaty for the cession of any portion of the reservations herein described which may be held in common shall be of any force or validity as against the said Indians unless executed and signed by at least a majority of all the adult male Indians occupying or interested in the same; and no cession by the tribe shall be understood or construed in such manner as to deprive without his consent any individual member of the tribe of his right to any tract of land selected by him, as provided in article VI of this treaty.

ARTICLE XII.

It is agreed that the sum of five hundred dollars annually, for three years from the date when they commence to cultivate a farm, shall be expended in presents to the ten persons of said tribe, who, in the judgment of the agent, may grow the most valuable crops for the respective year.

ARTICLE XIII.

It is further agreed that until such time as the agency buildings are established on the Shoshone reservation, their agent shall reside at Fort Bridger, U. T., and their annuities shall be delivered to them at the same place in June of each year.

N. G. TAYLOR, [SEAL.]

W. T. SHERMAN, [SEAL.]

Lt. Genl.

WM. S. HARNEY, [SEAL.]

JOHN B. SANBORN, [SEAL.]

S. F. TAPPAN, [SEAL.]

C. C. AUGUR, [SEAL.]

Bet. Major Genl. U. S. A., Commissioners.

ALFRED H. TERRY, [SEAL.]

Brig. Gen. and Bet. M. Gen. U. S. A.

Attest:

A. S. H. WHITE, *Secretary.*

Shoshonees:

WASH-A-KIE. his + mark.

WAU-NY-PITZ. his + mark.

TOOP-SE-PO-WOT. his + mark.

NAR-KOK. his + mark.

TABOONSHE-YA. his + mark.

BAZEEL. his + mark.

PAN-TO-SHEGA. his + mark.

NINNY-BITSE. his + mark.

Bannacks:

TAGGEE.	his + mark.
TAY-TO-BA.	his + mark.
WE-RAT-ZE-WON-A-GEN.	his + mark.
COO-SHA-GAN.	his + mark.
PAN-SOOK-A-MOTSE.	his + mark.
A-WITE-ETSE.	his + mark.

Witnesses:

HENRY A. MORROW,

*Lt. Col. 36th Infantry and Bvt. Col. U. S. A., Comdg. Ft. Bridger.*LUTHER MANPA, *U. S. Indian Agent.*

W. A. CARTER.

J. VAN ALLEN CARTER, *Interpreter.*

And whereas, the said Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of February, one thousand eight hundred and sixty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
February 16, 1869.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Shoshone (Eastern Band) and Bannack tribes of Indians, made and concluded at Fort Bridger, Utah Territory, on the third July, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twenty-fourth day of February, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,

Secretary of State.

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AMENDATORY TREATY

TO THE

TREATY OF JUNE 9, 1863,

BETWEEN

THE UNITED STATES OF AMERICA

AND THE

NEZ PERCÉ TRIBE OF INDIANS.

CONCLUDED AUGUST 13, 1868.
RATIFICATION ADVISED FEBRUARY 16, 1869.
PROCLAIMED FEBRUARY 24, 1869.





ANDREW JOHNSON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

TO ALL AND SINGULAR TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas to the treaty of the ninth of June, one thousand eight hundred and sixty-three, between the United States and the Nez Percé tribe of Indians, an Amendatory Treaty was concluded at the city of Washington, in the District of Columbia, on the thirteenth day of August, in the year of our Lord one thousand eight hundred and sixty-eight, by and between Nathaniel G. Taylor, Commissioner, on the part of the United States, and Lawyer, head chief, and Timothy and Jason, chiefs, of the Nez Percé tribe of Indians, on the part of said tribe of Indians, and duly authorized thereto by them, which Amendatory Treaty is in the words and figures following, to wit:

Whereas certain amendments are desired by the Nez Percé tribe of Indians to their treaty concluded at the Council Ground in the Valley of the Lapwai, in the Territory of Washington, on the ninth day of June, in the year of Our Lord one thousand eight hundred and sixty-three; and whereas the United States are willing to assent to said amendments; it is therefore agreed by and between Nathaniel G. Taylor, Commissioner, on the part of the United States, thereunto duly authorized, and Lawyer, Timothy, and Jason, chiefs of said tribe, also being thereunto duly authorized, in manner and form following, that is to say:

ARTICLE 1.

That all lands embraced within the limits of the tract set apart for the exclusive use and benefit of said Indians by the 2d article of said treaty of June 9th, 1863, which are susceptible of cultivation and suitable for Indian farms, which are not now occupied by the United States for military purposes, or which are not required for agency or other buildings and purposes provided for by existing treaty stipulations, shall be surveyed as provided in the 3d article of said treaty of June 9th, 1863, and as soon as the allotments shall be plowed and fenced, and as soon as schools shall be established as provided by existing treaty stipulations, such Indians now residing outside the reservation as may be decided upon by the Agent of the tribe and the Indians themselves, shall be removed to and located upon allotments within the reservation: Provided however, That in case there should not be a sufficient quantity of suitable land within the boundaries of the reservation to provide allotments for those now there and those residing outside the boundaries of the same, then those residing outside, or as many thereof as allotments can not be provided for, may remain upon the lands now occupied and improved by them, provided, that the land so occupied

does not exceed twenty acres for each and every male person who shall have attained the age of twenty-one years or is the head of a family, and the tenure of those remaining upon lands outside the reservation shall be the same as is provided in said 3d article of said treaty of June 9th, 1863, for those receiving allotments within the reservation; and it is further agreed that those now residing outside of the boundaries of the reservation and who may continue to so reside shall be protected by the military authorities in their rights upon the allotments occupied by them, and also in the privilege of grazing their animals upon surrounding unoccupied lands.

ARTICLE 2.

It is further agreed between the parties hereto that the stipulations contained in the 8th article of the treaty of June 9th, 1863, relative to timber, are hereby annulled as far as the same provides that the United States shall be permitted to use thereof in the maintaining of forts or garrisons, and that the said Indians shall have the aid of the military authorities to protect the timber upon their reservation, and that none of the same shall be cut or removed without the consent of the head chief of the tribe, together with the consent of the Agent and Superintendent of Indian Affairs, first being given in writing, which written consent shall state the part of the reservation upon which the timber is to be cut, and also the quantity, and the price to be paid therefor.

ARTICLE 3.

It is further hereby stipulated and agreed that the amount due said tribe for school purposes and for the support of teachers that has not been expended for that purpose since the year 1864, but has been used for other purposes, shall be ascertained and the same shall be reimbursed to said tribe by appropriation by Congress, and shall be set apart and invested in United States bonds and shall be held in trust by the United States, the interest on the same to be paid to said tribe annually for the support of teachers.

In testimony whereof the said Commissioner on the part of United States and the said chiefs representing said Nez Percé tribe of Indians have herunto set their hands and seals this 13th day of August, in the year of Our Lord one thousand eight hundred and sixty-eight, at the city of Washington, D. C.

N. G. TAYLOR,	[L. s.]
<i>Commissioner Indian Affairs.</i>	
LAWYER, ^{his} Head Chief Nez Percés.	[L. s.]
TIMOTHY, ^{his} X Chief.	[L. s.]
^{mark.}	
JASON, ^{his} X Chief.	[L. s.]
^{mark.}	

In presence of—

CHARLES E. MIX.
ROBERT NEWELL, *U. S. Agt.*
W. R. LEWIN.

And whereas, the said Amending Treaty having been submitted to the Senate of the United States for its constitutional action thereon, the Senate did, on the sixteenth day of February, one thousand eight hundred and sixty-nine, advise and consent to the ratification of the same, by a resolution in the words and figures following, to wit:

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES.

February 16, 1869.

Resolved, (two-thirds of the Senators present concurring,) That the Senate advise and consent to the ratification of the treaty between the United States and the Nez Percé tribe of Indians, concluded at Washington, D. C., August 13, 1868.

Attest:

GEO. C. GORHAM,
Secretary.

Now, therefore, be it known that I, ANDREW JOHNSON, President of the United States of America, do, in pursuance of the advice and consent of the Senate, as expressed in its resolution of the sixteenth of February, one thousand eight hundred and sixty-nine, accept, ratify, and confirm the said Amendatory Treaty.

In testimony whereof I have hereto signed my name, and caused the seal of the United States to be affixed.

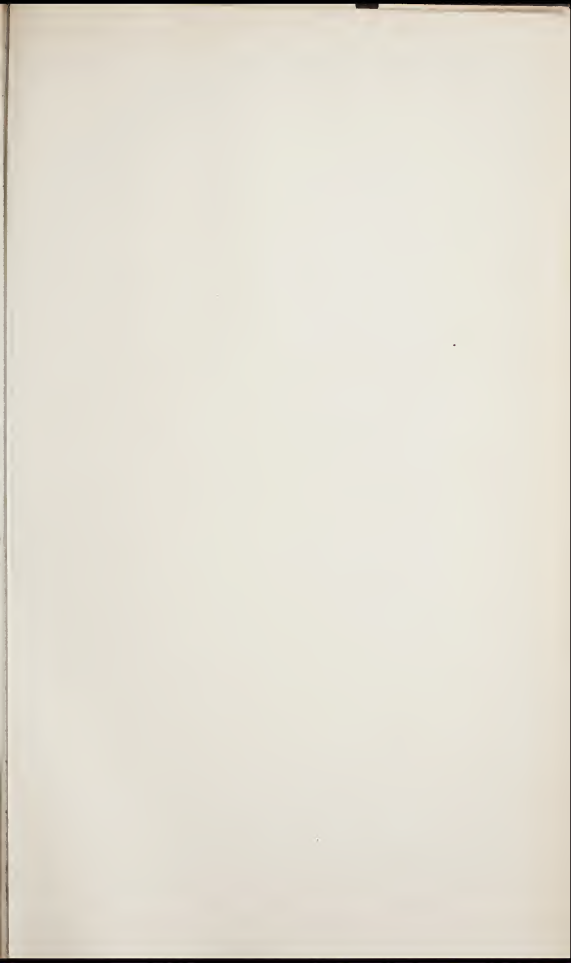
Done at the City of Washington this twenty-fourth day of February, in the year [SEAL.] of our Lord one thousand eight hundred and sixty-nine, and of the Independence of the United States of America the ninety-third.

ANDREW JOHNSON.

By the President:

WILLIAM H. SEWARD,
Secretary of State.





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